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THE DISRUPTION OF VIRGINIA

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UNIVERSITY OF PENNSYLVANIA

THE DISRUPTION OF VIRGINIA

BY

JAMES CLYDE McGREGOR, PH. D.

A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

NEW YORK

THE MACMILLAN COMPANY

1922

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The Disruption of Virginia

BY

JAMES C. McGREGOR, PH.D.

New York

THE MACMILLAN COMPANY

1922

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Set up and printed. Published October, 1922.

Pennsylvania Univ.
Oct.
8-18-1923

Press of
J. J. Little & Ives Company
New York, U. S. A.

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To
MY FATHER

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PREFACE

This book was written on the assumption that the admission of a new state into the Union is always a matter of some historical importance, and that the facts of such admission should be made available for the reader of history.

In the case of West Virginia prejudice and partisanship have tended to obscure the exact truth, and "The Disruption of Virginia" is an attempt to present an unbiased account of the strange course of events in the history of Virginia from the time of Lincoln's election to the Presidency to the month of June, 1863, when West Virginia was formally admitted into the Union.

The author has no grudges to satisfy and no patron to please. If he seems harsh in his opinions and conclusions regarding the irregular and inexpedient methods employed in cutting off the western counties of Virginia and forming them into a new state it is due to the conviction that an unnecessary wrong was committed, a wrong that helped not at all in Lincoln's prosecution of the Civil War. He is convinced that not only was the act unconstitutional, but that it was not desired by more than a small minority of the people of the new state. The President and Congress

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were grateful to the Union men in north-western Virginia for their efforts to keep their section out of the Southern Confederacy, and as a reward consented to their organizing a new state, the United States Constitution to the contrary notwithstanding.

It is true that sectionalism had prevailed in Virginia for many years, and that the most widely separated parts were entirely out of sympathy with each other. Possibly the end has justified the means and Virginia as a whole is happier divided than united. With that the author has no concern. He is only interested in presenting the facts as he has found them.

The chapters dealing with the Richmond Convention, the anti-war sentiment in western Virginia, and the Wheeling Conventions were presented to the authorities of the University of Pennsylvania in 1913 as a partial fulfillment of the requirements for the degree of Doctor of Philosophy. Acting upon the advice of Prof. John Bach McMaster the author wrote the chapters on early sectional difficulties in Virginia and searched further for new material. In the Department of Archives and History of the state of West Virginia, at Charleston, were discovered a number of letters touching upon the situation in the western counties in 1861-3; and, what was of greater importance, the original manuscript of the first constitutional convention of the state was found.

All this new material was confirmatory, and satisfied the author that his original conclusions were correct. On almost the last day of the constitutional

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convention of November, 1861, according to the manuscript, a motion was made that the records of the convention be printed. One of the delegates opposed this motion for the reason that the discussion had revealed so plainly the opposition of the people of West Virginia both to the North and to the new state that the publication of the debates might interfere with the admission of the state. His opinion prevailed and to this day the record remains unprinted, although its importance is unquestioned.

Prof. McMaster and Dean Herman V. Ames of the University of Pennsylvania have read the manuscript and made some helpful suggestions. The author takes this occasion of thanking them for the interest they have shown. For any errors that may appear and the opinions expressed he must take the full responsibility.

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BIBLIOGRAPHICAL NOTES

"Sectionalism in Virginia," by Chas. H. Ambler (Chicago, 1910) covers the period from 1776 to 1861, and treats in some detail the subject matter included in the first six chapters of "The Disruption of Virginia."

"The Rending of Virginia," by Granville D. Hall (Glencoe, Illinois, 1902) is a rambling account of the secession of Virginia and the formation of West Virginia. The author was a participant in the Wheeling Conventions and harbored a bitter resentment toward the eastern Virginians. Hence his book is not merely worthless as history—it is misleading and harmful.

The secondary works mentioned above are the only ones of any importance quoted in "The Disruption of Virginia."

The source material comes principally from newspapers, state records, and private letters, found in the Historical Library at Richmond, Virginia; the Library of Congress, Washington, D. C.; the State Library, Charleston, W. Va.; and the Public Libraries of Wheeling, W. Va., Pittsburgh, Pa., and Philadelphia, Pa.

Mrs. Letty Carlile Strader, daughter of John S.

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Carlile, permitted the author to use her father's private correspondence.

Other information was gathered from persons who remember the state of affairs in their communities during the early part of the Civil War.

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THE DISRUPTION OF VIRGINIA

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THE DISRUPTION OF VIRGINIA

CHAPTER I

GEOGRAPHICAL FEATURES

When nature erected a mountain barrier between eastern and western Virginia there was laid the foundation of an intra-state dispute which ended only when the two antagonistic sections were under the authority of different state governments. It is but slight exaggeration to affirm that the Alleghany Mountains were responsible for all the quarrels between the cismontane and the transmontane sections of Virginia. Writers who stress racial differences as the cause of the difficulties which arose between the Virginians forget that almost every state in the Union was compelled to go through a process of race harmonization, and in every case intimate contact brought about race amalgamation. It was this lack of personal contact which prevented a good understanding between the English inhabitants of eastern Virginia and the German, Scotch-Irish, and English inhabitants of western Virginia. At any time previous to the Civil War a good system of canals and railroads would have gone far toward bring-

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ing the two parts of the Old Dominion more closely together; but the Richmond Junto was blind to the importance of such improvements and the contest of 1861 dawned with eastern and western Virginia as widely apart in manners, customs, and sympathies as though thousands of miles intervened between them.

A survey of the chief geographical features of Virginia reveals the fact that the surface of the state is divided into two unequally inclined planes and a centrally located valley.[1] Further subdivisions marked out by earlier historians were as follows: The eastern plane naturally fell into two parts, the Piedmont and the Tidewater division, the western plane into the Alleghany highlands, the Cumberland plateau, and the Ohio Valley section. The valley lying between the two mountain ranges which run parallel across the northern part of the present state of Virginia is the famous Shenandoah Valley. While the actual boundaries of these divisions are of course purely arbitrary, yet we may easily comprehend what is meant when we hear the terms Tidewater, Piedmont, Valley, Transmontane, etc. The Fredericksburg, Richmond and Petersburg Railroad may be said to divide, roughly, the Tidewater from the Piedmont. The latter lies in a right angle, with the fall-line of the Atlantic rivers—the James, the Potomac, and the Roanoke—as its perpendicular, and the Blue Ridge as its hypothenuse.[2] The Valley has a length of approximately three hun-

[1] Ambler, "Sectionalism in Virginia," p. 1.
[2] *Ibid.*

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dred miles and an average width of from twenty-five to thirty miles. It forms a part of the Appalachian Valley system and opens up in but two places, namely, at the head waters of the James River to the east and at the head waters of the Kanawha River to the southwest. A more detailed description would place a middle section between the Tidewater and the Piedmont, another subdivision between the Piedmont and the Valley, and on the extreme western border an Appalachian section including counties which are geographically distinct from the Valley counties.[1] The areas of these various subdivisions may be approximated somewhat as follows: Tidewater, 11,350 square miles; Piedmont, 12,470 square miles; Blue Ridge, 1,230 square miles; Valley, 13,550 square miles; Appalachian, 5,720 square miles.

The surface of West Virginia presents many difficulties for the topographer. Scarcely any scheme of division could be created which he would be willing to accept as accurate. The general slope is from the Alleghanies to the Ohio River, but exceptions must be noted even here, for north of the Little Kanawha no considerable stream flows into the Ohio. South of a line drawn from Pocahontas County to Tyler County all the rivers flow into the Ohio. North of this line the waterfall is away from the Ohio toward the Monongahela and the Potomac rivers. The usual classification of West Virginia into the Alleghany Highlands, the Cumberland Plateau, and the Ohio Valley region is

[1] Alleghany, Bath, and Highland.

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unsatisfactory for purposes of accuracy, but will perhaps serve the purpose of the historian.

A grouping of counties according to similarity of natural features would require almost as many divisions as there are counties. Scarcely any two contiguous counties present the same surface peculiarities, and in a number of instances adjoining counties are walled off by mountain spurs which form complete barriers. Speaking roughly, the Eastern Panhandle counties may be said to belong, geographically, to the great Valley of Virginia and form a natural division. Shut off from the remainder of the state by the Alleghany Mountains, the people of this region are turned toward Virginia and Maryland. This area is a little more than 3,700 square miles and includes a district scarcely surpassed for fertility of soil and natural resources. The rivers empty into the Potomac and consequently the commerce of this district is carried on with the cities of Baltimore and Washington.

To the southwest is a group of mountain counties, including Preston, Tucker, Randolph, Greenbrier, Monroe, and parts of Hardy and Pendleton. Beyond the fact that these counties lie near together and are in the same general mountain division, they have few features in common. Turning toward the north and west, we have at the extreme limit of the state that strange projection known as the Northern Panhandle. Belonging naturally to Pennsylvania, it is the sole remnant of that portion of Pennsylvania which Virginia has claimed from early times. The counties included

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in it, Hancock, Brooke, Ohio, and Marshall, present a uniformity of geographical features. All border on the Ohio River, communication among them is easy and natural, and as a result there has been developed a similarity of social and political life unequaled by any other portion of the state. South of the Panhandle are Wetzel, Tyler, Pleasants, Wood, and Jackson counties, possessing enough features in common to be classed as a group. All have frontage on the Ohio River and the surface of each county is rough and uneven. South, to the interior, we come to a group of counties in the Kanawha Valley, comprising all or parts of Mercer, Monroe, Greenbrier, Raleigh, Fayette, Kanawha, Putnam, and Mason. A glance at the map will reveal the fact that their chief and almost only feature in common is the Great Kanawha River, which, rising in Ashe County, North Carolina, drains an area of 10,000 square miles before it finally empties its waters into the Ohio. Every possible variety of surface is presented in this region, which is the despair of the topographer. To the south of the Kanawha Valley there is a group of counties, Boone, Cabell, Wayne, Logan, Wyoming, and McDowell. These stretch along the southern part of the state from the Ohio River to the border of Virginia and include some of the wildest and most isolated spots to be found anywhere in the United States. The Monongahela River and its tributaries enclose an important group of counties. Less rugged and more accessible than the counties of the south and east, this district was settled very early and

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plays a part in the stirring drama of 1861–63 only a little less important than that of the Northern Panhandle counties. Monongalia, Marion, Taylor, Barbour, Harrison, Lewis, Doddridge, Ritchie, Wirt, Calhoun, Gilmer, Roane, Braxton, Upshur, Webster, Nicholas, and Clay, the counties in this group, are drained wholly or in part by the Monongahela river system.

If it be true, as Washington once said, that people's faces are naturally turned in the direction of the flow of their rivers, then we may comprehend why misunderstandings were constantly arising, not only between the eastern and western Virginians but also between the inhabitants of the smaller subdivisions of the old state. East of the Blue Ridge the people follow their rivers to the east or the south; the western Virginians reached out to the north or to the southwest. The commercial interests of the two great parts of Virginia were so dissimilar that when the war broke out in 1861 it was found that the two sections of Virginia had little commercial dependence upon each other. The division of the state in 1863 is of little importance to any one but the historian.

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CHAPTER II

POPULATION

A DETAILED account of the movements of population in Virginia would carry us far beyond our province, so it will be sufficient to remind the reader that the English settlers made their way up the Atlantic rivers and gradually extended their frontiers until they had reached the base of the Alleghany Mountains. This had taken place long before the Revolutionary War. The population of Virginia at this time, while more or less homogeneous, was divided into distinct classes of society, the pioneers of the western section being regarded as peasantry by the Tidewater patricians. Before the beginning of the nineteenth century, however, the inhabitants of the Piedmont district had developed a civilization very much like that of the earlier settled portions of the state. On all questions affecting their social and political life, the people of the Tidewater and the Piedmont were one. Not so the dwellers in the Shenandoah Valley. Separated from the rest of the colony by the Blue Ridge, they developed a social and economic life which differed considerably from that which prevailed on the other side of the mountains. An influx of Germans and Scotch-Irish,

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beginning in 1720, was responsible in part for this variation in customs and manners. Each race had its own little settlements scattered through the numerous valleys, and there was scarcely any communication between these settlements. So rarely did these people come into contact with the outside world and so rapidly did the Germans enter the Valley that it became necessary to translate the laws into the German language. It is easy, however, to overestimate the proportion of alien settlers in this district. Certain it is that a majority of the Valley inhabitants came up from the older parts of the state along the Potomac River.

The fact that the German settlers Anglicized their names soon after landing in Virginia has made it impossible to do more than guess at the proportion of the population which they constituted. On the files of the Revolutionary War records few German names appear, which may show either that these immigrants were averse to fighting or that they preferred changing their names into good English ones. When Washington came to Winchester in 1747 as a young surveyor in the employ of Lord Fairfax the fact is recorded that there were great numbers of settlers—Germans, Scotch, Irish, and English, with a sprinkling of French Protestants—already preparing homes in the Valley.[1]

For fifty years the Valley grew, almost unnoticed by the older sections of the state. Its inhabitants turned their faces longingly to the west, but previous to the Revolution all progress in that direction was checked

[1] Dandridge, "Historic Shepherdstown," p. 22.

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by the Proclamation of 1763, which the officials of Virginia, both clerical and secular, enforced with much zeal. In the light of later events it is just as well that migration to the west from the Valley was not permitted at this time, for if the Valley settlers had scattered themselves through the wilds of western Virginia they would have rendered far less service to their country in the Revolutionary War.

It is impossible to trace with any degree of accuracy the movements of population in western Virginia. We know that the first white settlers made their abodes in the Eastern Panhandle probably about 1726, and that they were mainly Scotch, Welsh, and German.[1] This movement along the Potomac and its tributaries was an easy and natural transition and so agreeably were these pioneers impressed with their surroundings that they were contented to remain in the Valley, and thus did not penetrate beyond the mountains into the wilderness for many years. Thus up to the middle of the eighteenth century no white settlers, so far as we are aware, were to be found in the present boundaries of West Virginia. Between 1750 and 1800 small isolated settlements began to dot the borders of the state; but the names of these settlers and their exact location form a matter yet to be determined by research. Emigration from the north to West Virginia was through Pennsylvania down the Ohio River or up the Monongahela and its tributaries. The movement was gradual

[1] Third Biennial Report of State Department of Archives and History—West Virginia, 1911, p. 15.

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and the settlements so scattered that as late as 1787 Jefferson's map of Virginia shows only two towns, Wheeling and Parkersburg, in the northern part of western Virginia. After the Revolution the northern Panhandle grew rapidly and with the opening of the Mississippi River began to rival commercially the older settlements of the east.

South of the Little Kanawha the people came mainly from Virginia and Maryland. By 1755 pioneers had pushed into the valley of the Greenbrier and spread out into all parts of the Great Kanawha Valley. The entire district west of the Blue Ridge was organized as Augusta County and the portion lying west of Hampshire County was commonly known as West Augusta. In 1769 Botetourt County was carved from the southern portion of Augusta, extending from the Blue Ridge to the Ohio River and separated from the older division by a line drawn along the 55th degree west longitude crossing Greenbrier County at the southern terminus of the Marlin Mountains and reaching across to Belleville.[1] Fincastle County was organized in 1772 and included all the present state of West Virginia lying between the Great Kanawha and the Big Sandy rivers. In 1776 West Augusta was divided into Ohio, Monongalia, and Yohogania counties, the latter disappearing when the extension of the Mason and Dixon line cut off all but a small portion from Virginia. The same year saw Fincastle County trisected into Kentucky, Washington, and Montgomery

[1] Report quoted on p. 9.

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counties; and in 1777 Greenbrier County was constructed out of the western part of Botetourt County. At the outbreak of the Revolution it was estimated that there were 30,000 white people within the boundaries of what is now West Virginia.[1] In 1790 the first census disclosed a population of approximately 59,000 people in the nine counties lying wholly or in part in West Virginia. The increase of population from 1800 to the Civil War was marvelously rapid and every year found the western counties growing both in size and importance.[2] The census of 1860 gave Virginia a population of 1,596,318, which made it the fifth state in the Union. The native born of the people numbered 97.81 per cent, and of the foreign born, approximately 13 per cent were English, 47 per cent Irish, 30 per cent German. Statistics showed that 399,700 Virginians had migrated to other states. Emigrants from other parts of the United States into Virginia numbered 68,341, half of whom were from three states, Pennsylvania, Ohio, and Maryland.

Within the bounds of the present state of West Virginia there were approximately 323,526 white persons and 28,256 slaves. In eastern Virginia the slave population numbered 490,865. A comparison of the ratios shows that in the newer sections of the state west of the Alleghanies free persons outnumbered the slaves

[1] Report quoted on page 9.

[2] This is shown by the following figures: 1800, 78,593 population in thirteen counties; 1810, 105,469 in sixteen counties; 1820, 136,768 in twenty-two counties; 1830, 176,924 in twenty-five counties; 1840, 224,537 in twenty-eight counties; 1850, 302,310 in forty counties.

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by more than ten to one, while east of the mountains the slaves constituted nearly one third of the entire population.[1] Figures showing the distribution of the slave population in western Virginia in 1860 serve as a clue in determining the division of sentiment that existed when the question of slavery was under discussion. The northern Panhandle with a total population of 45,358 contained but 149 slaves. The close proximity of this section to Ohio and Pennsylvania made it difficult for the people to keep slaves if the latter desired to escape. Furthermore, the large foreign-born population residing here were almost without exception opposed to the institution of slavery. In Ohio County at the outbreak of the Civil War there were 5,511 persons of foreign birth, principally Irish and German, thus constituting one seventh of the entire foreign-born population of the state. In contrast with this we have in the eastern Panhandle a population almost entirely native-born, a people who for generations had been accustomed to regard slavery with tolerance if not always with entire approval. Thus on the great question of the day the people of the two Panhandle districts of western Virginia were as widely apart as the poles. Morgan, Jefferson, Berkeley, Hardy, and Hampshire counties, with a white population nearly equal to that of the northern Panhandle counties, contained 7,990 slaves or nearly one third of the entire

[1] In 1860, 58,042 free colored persons were to be found in the state of Virginia. Of these but 2,709 lived in western Virginia. A strong antipathy appears to have existed in the latter section for free negroes.

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slave population of the western section. In only two other counties were there more than 1,000 slaves, Greenbrier with 1,525 and Monroe with 1,114. In the twelve counties bordering on the Ohio River there were but 1,247 slaves, while in the six counties drained by the Great Kanawha River the slave population numbered 3,047. Turning to the north, we find that the counties in the Monongahela Valley held 1,336 slaves; of these eight counties Harrison contained almost as many negroes as the other seven counties combined.

The truth now becomes apparent that slaves in western Virginia were of little economic importance, while in the eastern part of the state they were almost the *sine qua non* of the prosperity of the planters of that section.[1] In 1870 Virginia produced 37,086,364 pounds of tobacco with the value of $7,154,770. West Virginia the same year raised 2,046,452 pounds of tobacco valued at $457,573. In the production of wool West Virginia was in the lead, with a total of 1,593,541 pounds to 877,110 pounds.[2] Negroes are peculiarly fitted for the cultivation of tobacco, a plant which requires the attention of many hands. In the raising of sheep a large area is needed, but comparatively few laborers. Hence the relative uselessness of the negro slave in those counties where the soil was not fitted for

[1] In the decade between 1850–60 the increase of population by sections is shown as follows:

	Tidewater	*Piedmont*	*Valley*	*Trans-Alleghany*
Whites	29%	15%	14%	26%
Slaves	12%	6%	3%	11%

—*De Bow's Review*, 1860, Vol. 28, p. 354.

[2] United States Census Reports, 1870.

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the production of tobacco. In Virginia, with almost no exception, the counties producing the largest amount of tobacco contained the greatest number of slaves. In western Virginia we discover an apparently anomalous situation. Here the counties containing the greatest number of slaves raised little or no tobacco, while other counties with few slaves produced great quantities of the plant. Thus of the largest slaveholding counties Berkeley raised no tobacco, Greenbrier, 3,000 pounds annually, Hampshire, 53 pounds, and Jefferson, 6,700 pounds. Monroe with 1,114 slaves raised in one year 123,221 pounds, but slavery was evidently of less importance than we might think, for a decade later when the institution of slavery had been abolished the census reports show that Monroe produced almost identically the same amount of tobacco as in 1860. The largest tobacco-raising counties of West Virginia were, in 1860, Jackson, Fayette, Kanawha, Mercer, Monroe, and Putnam. In the first named there were but 55 slaves; in the second, 271 slaves; in the third, 629 slaves; in the fourth, 362 slaves; in the fifth, 1,114, and in the last, with a production of 472,765 pounds of tobacco, there were only 580 slaves. The irresistible conclusion is that in the counties west of the Alleghany Mountains the ordinary dependence of tobacco-raisers upon slaves did not exist; comparatively few persons were seriously affected when slavery was abolished and the strong defense of the institution was principally founded on sentimental reasons. In the first five years after the Civil War Virginia's output of tobacco was less than

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one third of what it had been in 1860, while during the same period the production of tobacco in West Virginia increased by one third. No better proof could be desired that slavery played but little part in the economic life of the Western Virginians.

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CHAPTER III

SOCIAL AND ECONOMIC DIVERGENCIES

THE divergence of interest between the two sections is further illustrated by a comparison of the manufacture of iron, West Virginia's tonnage being nearly three times as great as that of Virginia. The eastern section of the state was comparatively poor in natural resources, while the western counties were underlain with great quantities of iron, coal, oil, and other products which lie beneath the surface of the earth.

Church statistics reveal the fact that out of a total of one hundred and eighty-eight Episcopal churches in the state of Virginia one hundred and seventy-two were to be found in the eastern section; fifty-six out of seventy-three Disciples churches were in the same part of the state; sixteen out of seventeen Quaker churches; ten of the twelve German Reformed congregations; two of the three Jewish churches; fifty-eight out of sixty-nine Lutheran churches; nine hundred and sixty-two out of fourteen hundred and three Methodist churches; one hundred and ninety-seven out of two hundred and ninety Presbyterian congregations; and fourteen of the thirty-three Catholic churches were in

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the east.[1] The significant fact here is that the Established Church of Virginia maintained its traditional aloofness and made no efforts to establish new parishes in the western counties. In the latter section such churches as did exist were mainly evangelical. The attitude of the western inhabitants of Virginia toward the Episcopal Church was not altogether unlike that of the Scotch Covenanters towards the members of the Established Church of England. Religiously, socially, and economically the people of West Virginia differed as widely from their eastern brethren as to-day the mountaineer of the isolated sections of Kentucky or Tennessee differs from the dweller in Louisville or Memphis.

"Commerce is the grand lever which sets in operation and controls all important political movements." The truth of this is too well established to require exemplification. We might go a little further and say that absence of commercial relations is the grand lever which sets in motion many political misunderstandings. That this was the case in Virginia is beyond dispute, and a little inquiry into the subject reveals a situation unique in the history of the various commonwealths of the United States. We see a state containing 67,000 square miles of territory, divided into unequal parts by high mountain ranges. Commerce on the eastern side follows its natural course and is diverted toward the Atlantic Ocean. In the western region, following the

[1] All figures and estimates given above were taken from the United States Census Reports of 1860 and 1870.

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natural law, commercial communications are carried on almost wholly with the cities and towns of the section of the United States drained by the Mississippi and its tributaries. In this age Nature's commands are frequently disregarded by ingenious man; and railroads, canals, and steamships have not only annihilated distance, but have afforded easy means of communication between regions separated by natural barriers. Not so in Virginia. Blind to the certain consequences of continued sectional strife, having as its great cause lack of personal contact between the people of the two sections, the Old Dominion made little effort to bring together the mountain-severed peoples.

It is not to be understood that there were entirely lacking wise men who endeavored to bridge the gap, for, as we shall see, the number of schemes having this object in view is evidence that the danger was foreseen in some quarters. A note of alarm was sounded officially in 1857. After complaining that the products of western Virginia were sent to Pennsylvania, Ohio, and Louisiana the writer declares as follows: "Thus, by every geographical and geological cause were our people segregated into separate communities and divided from each other and all mutual commercial dependency." Lack of harmony, we are told, resulted in schemes of internal improvements which were dictated by sectional feeling.[1] The writer in the rôle of apologist is not altogether successful; his evident purpose

[1] Address of Governor Henry A. Wise. *De Bow's Review*, 1857, Vol. 23, pp. 58–70.

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was to excuse or at least to palliate the evident selfishness and short-sightedness of the people of his section who had long controlled legislative affairs in Virginia. He describes correctly the difficulties which would present themselves to the railroad engineer who endeavored to pierce the mountain ranges. To bring the Ohio River region into connection with the cismontane it was necessary to "pass over or through a backbone of from one to two hundred miles of mountains running in parallel ridges north, east, and southwest across her entire limit. Tunnel after tunnel at short intervals arrest her progress and make each work one of patient labor and of time. She has to overcome a summit level of nearly 2,000 feet for a breadth from east to west; which no other people on the continent, any more than Virginians, have as yet overcome." [1]

Looking backward from the year 1861 we see a succession of abortive attempts to unite the sections of the state. The ambition of the Chesapeake & Ohio Canal Company was to bring together the waters of the Potomac and the Monongahela rivers. This plan did not result in anything especially beneficial to Virginia and it may be doubted if the completion of the canal from Cumberland, Maryland, to the Monongahela would have served the purpose we are now discussing. It is probable that its effect would have been similar to that of the Baltimore & Ohio Railroad—that is, the diversion of western trade to Baltimore rather than to Richmond. Something of this kind

[1] *De Bow's Review*, 1857, Vol. 23, pp. 58-70.

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must have been foreseen because the James River & Kanawha Canal Company was the direct outgrowth of the hostility toward the Chesapeake and Ohio Canal on the part of the eastern Virginians. A convention was held at Charlottesville to revive interest in the plan of uniting the James and the Kanawha rivers. While nothing definite was done, the scheme was not abandoned, for it appears again in the Constitutional Convention of 1829–30. Here sectional jealousies again prevented action. The western members of the convention were accused of making an attempt to swamp the state with a debt created for the purpose of benefiting the west alone.[1] And in the latter section there was lack of agreement between the counties of the northeast and the southwest, the former favoring the Chesapeake & Ohio plan and the latter, the union of the James and the Kanawha. In the Virginia Assembly of 1828 a bill was introduced whereby the state would subscribe for $400,000 worth of Chesapeake & Ohio stock.[2] As its only strong supporters were the representatives from the two Panhandle districts, the bill failed. Of far greater importance to the state was the project which had for its purpose the connecting of the James and the Kanawha rivers. Here the benefits would have been far greater to the Richmond district than to any western region. But lack of foresight again was the cause of the failure of the plan, which

[1] Debates of Constitutional Convention of 1829–30, p. 154 *et seq.*, p. 211 *et seq.*
[2] *Ibid.*, p. 114.

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might have prevented in 1861 the defection of the counties drained by the Kanawha.

Thus the golden opportunity was allowed to slip by with but feeble attempts to carry out the projected scheme, and when the Civil War broke out the canal had been completed only as far as the town of Buchanon.[1] Sectional differences were immediately responsible for the lack of action, but even if these had not existed the Whigs and the Democrats would have checked any attempt to provide for a permanent plan of improvements. Far-sighted merchants, however, continued their efforts to bring the sections of the state into closer commercial relationship. In an annual report of one of their associations it was recommended that the Assembly lay aside all petty jealousies and pass a bill for the union of the James and the Kanawha rivers, "and thus complete one of the grandest schemes that has engaged the attention of the country since the proposition of the Erie Canal." [2]

The relations of the Baltimore & Ohio Railroad with the state of Virginia are inextricably mixed up with party and sectional politics. Like the Chesapeake & Ohio Canal, the road was to touch merely that part of Virginia bordering on the Potomac and would undoubtedly serve to draw trade away from Richmond toward Baltimore. The charter was first confirmed in 1827; in 1836 the state subscribed for $302,100 worth

[1] In Botetourt County.

[2] Report of Merchant Exchange of Norfolk. *De Bow's Review*, 1860, Vol. 28, p. 100 *et seq.*

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of bonds, and in 1838 this subscription was increased by $1,058,420. An extension was granted the same year, whereby the Company should be given until 1843 to complete the road, which had thus far reached only to Cumberland, Maryland, one hundred and seventy-eight miles from Baltimore.[1] The next four years were marked by the unavailing efforts of the Company to get a new and more satisfactory charter from the Virginia Assembly, but so many demands were made and so many restrictions regarding taxation and routes were insisted upon that no common agreement could be made until 1847, in which year a charter was granted whereby the road was to be constructed from Cumberland to Fairmont[2] and thence to Wheeling.[3] This proved to be a working agreement; the project was carried on with all possible speed and on January 1, 1853, the first train was run over the road into Wheeling, thus bringing the Ohio River district within easy distance of the eastern markets. As a means of consummating a union of eastern and western Virginia the Baltimore & Ohio Railroad was a complete failure. It confirmed Wheeling in its position as the first city in western Virginia and brought the people of the Ohio River district more closely together, but its commercial effect was to attract trade from all parts of the northwest to the city of Baltimore. Thus in 1858 the Bal-

[1] For complete account see Milton Reizenstein, "Economic History of the Baltimore and Ohio Railroad, 1827–53," Johns Hopkins University Studies, Series XV, pp. 283–360.
[2] In Marion County, now West Virginia.
[3] On the Ohio River.

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timore & Ohio Railroad carried into its eastern terminus 1,000,594 barrels of flour, of which 682,314 came from the Wheeling district. Again, the route across the mountains from Wheeling to Baltimore proved of the greatest assistance to the Union during the Civil War. Except for a brief space of time in 1861, when the Confederates were in possession of certain sections of the road, the Northern Government controlled its operations and used it to transport troops and supplies from the western states to the east. It is easy to see that so far as the welfare of eastern Virginia was concerned, the building of the Baltimore & Ohio Railroad was a mistake.[1]

A report to Congress in 1857 shows that the tonnage of the Ohio River from Pittsburgh to Louisville amounted to $138,630 per annum, and in one year, 1856, 1,150,453 persons had traveled up and down the river between the cities of Pittsburgh, Wheeling, Cincinnati, and Louisville.[2] Some of this traffic was diverted naturally toward the Mississippi; a great deal of it went to Baltimore after 1853, but unquestionably a railroad uniting directly Richmond and the Ohio River would have worked a revolution in commercial geography. When to this are added the tremendous benefits which would have accrued to all sections through the opening up of the rich coal fields of the

[1] It is to be noted that in 1846 an act of the Virginia Assembly repealed the former act of 1836 and 1838 subscribing for stock in the B. & O. R. R.

[2] Report of Captain Palmer, a topographical engineer, to Congress. *De Bow's Review*, 1857, Vol. 23, p. 630.

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Kanawha region, it is very evident that the failure of the eastern Virginians to foresee the latent possibilities of the Trans-Alleghany counties was the cause of their undoing and, more than anything else, made the division of the state possible. A railroad such as the Chesapeake & Ohio connecting Huntington on the Ohio River with Staunton or Lynchburg, with a lateral branch to Richmond, might have had the effect of preserving the state intact.

In 1861 there were 1,379 miles of completed railroads in the state of Virginia. Of these but 361 miles were located in the western counties.[1] It had long been the custom of the Virginia Assembly to subscribe for three fifths of the stock in any intra-state railroad,[2] but almost no encouragement was given to companies planning to open up the western region. In 1860 the state owned railroad bonds to the amount of $20,000,000 and not a dollar of this had been spent in western Virginia. The Covington & Ohio Railroad was designed to connect Charleston with the Big Sandy region, but the plan fell through, as usual because of sectional jealousies, and the railroad panic of 1857 put a final quietus on the efforts of its promoters. A report made to the General Assembly in 1857 urged the necessity of a state grant to the Alexandria, Loudoun, & Hampshire Railroad, which had for its object a junction with the Baltimore & Ohio near Piedmont. This was an old project, but it was not carried through until many

[1] Poore's "Manual of Railroads," 1869-70, Preface, p. xxvii.
[2] *American Railroad Journal*, 1854, p. 116.

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years later, long after there was any particular object in bringing together the northwest and the southeast.

When trouble between the North and the South seemed inevitable, there was a reawakening of interest in the plans having for their purpose the bettering of means of communication between all sections of the state, for it was seen that western Virginia, isolated as it was from other sections of the South, could be taken by Northern troops with little opposition. Former opponents [1] now urged the completion of the Covington & Ohio Railroad because it would permit western Virginia to send troops to eastern Virginia in the event of war. A new light seemed to dawn upon those who had previously been blind to the necessity of bringing the eastern and western sections of the state together. "It will be observed that two fifths of the whole Trans-Alleghany region is wholly isolated, that it has no communication with the northern frontier except a precarious one up the Ohio, and none with eastern Virginia. Yet this very region is the seat of a large portion of the military portion of the state. . . . It is as if we had a citadel filled with men and outworks feebly manned, with no connection from one to the other." [2] Stated baldly, the evident purpose of these new supporters of internal improvements was to make the west serve as a bulwark to protect the east. Their previously successful attempts to block progress in the western section now proved to be a boomerang and, too

[1] Notably the Richmond *Enquirer*.
[2] *De Bow's Review*, Vol. 19, p. 445.

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late, they had seen the light. Nothing could now be accomplished. Railroads were not built in a day or a year. The storm burst in 1861 and found Virginia almost as completely severed as she had been in Revolutionary War days.

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CHAPTER IV

THE OPENING OF THE BREACH

NOTHING illustrates better the domineering spirit of the Tidewater planters than the fact that each new community as it established itself in the west gave unmistakable evidence of chafing under a political tyranny. The Piedmont, the Valley, and the Trans-Alleghany regions in succession, and sometimes working in conjunction, made vigorous but usually futile protests against the unjust discrimination existing in the state constitution and in statutory enactments. Kept in power by a system of representation that was only a degree less antiquated than the English rotten borough system, a small eastern clique was enabled to put through such legislation as it pleased. With the history of the struggle of the Piedmont and the Valley for political equality, we are concerned only when it connects itself with the longer and more bitter quarrel between the Trans-Alleghany and the Tidewater. The constitution of 1851 was satisfactory to all the various sections on the eastern side of the Alleghanies; old grievances had been redressed and for the first time in the history of Virginia all differences seemed to have been composed.

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Before 1830 the inhabitants of western Virginia, "the peasantry of the West," worked under almost every political disadvantage which could afflict a free people. The constitution of 1776 established a unit scheme of representation, each county sending two delegates to the General Assembly. Its injustice became apparent after 1800, when the western counties began to fill up rapidly, while in the Tidewater district a distinct retrogression set in. The parallel between the situation in Virginia before 1830 and that in England before the Reform Bill of 1832 must instantly suggest itself. The transmontane counties of Virginia were only a degree less unjustly treated than the manufacturing districts of northern England, and the decadent counties of eastern Virginia might not inaptly be compared with English boroughs such as Old Sarum.

The rapid growth of the west is shown by the following figures: From 1790 to 1810 Harrison County increased in population from 2,080 to 9,958; Ohio County, from 5,212 to 8,175; Pendleton County, from 2,452 to 4,234; Randolph, from 951 to 2,854.[1] The refusal of the Assembly to provide for the proportionate increase of representation in the House of Delegates enabled the eastern members to retain the balance of power. Thus "forty-nine counties adjacent to each other in the eastern and southern sections of the state had a majority of the whole number of representatives in the most numerous branch of the legislature, and those counties and boroughs contained in 1810 only

[1] *Niles Register*, 1812, Vol. 1, p. 289.

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204,766 white inhabitants, less than one half of the population of the state by 72,138 souls." [1] The Senate was composed of twenty-four members elected from senatorial districts, and in the course of years the shifting of population had rendered the old grouping of counties as much out of date as was the system of representation in the lower house. Thus we find that in 1810, 212,036 white persons of Virginia were represented by four Senators, while in another part of the state thirteen Senators were chosen by a white population of 162,717.[2] Jefferson declares that "the majority of the men in the state who pay and fight for its support are unrepresented in the legislature, the roll of freeholders entitled to vote not including the half of those on the roll of the militia or of the tax gatherers." [3] In one company of eighty men which fought in the war of 1812 there was only one voter. It is not surprising, however, to find in Virginia before 1830 the voting privilege limited to freeholders, for such was almost universally the case throughout the United States.[4] According to the writers and speakers of the east, this restriction worked very little hardship upon the western inhabitants of Virginia, for land was cheap and plentiful in the west and one might qualify as a freeholder for a very small sum of money. "In the west a

[1] From the Memorial of the Staunton Convention of 1816. Quoted in *Niles Register*, 1816, Vol. 11, pp. 15–23.

[2] *Ibid.*

[3] "Notes on Virginia." (Phila., 1794), p. 168.

[4] According to a speaker in the convention of 1829-30, Virginia was the only state in the Union which maintained the freehold qualifications throughout. See "Debates," p. 356.

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certain quantity of land, not worth five cents in all, was sufficient to make a man a voter, while in the east the smallest quantity of land communicating the same privilege was worth from fifty to one hundred dollars." [1] The persons really discriminated against were the leaseholders, the mechanics and tradesmen of the cities, and the small farmers of the east. These, rather than the yeomen of the west, had reason to complain of electoral injustice. Nevertheless, it is from the west that the cry of oppression is most frequently heard. It was declared that the rights which the Revolutionary fathers obtained by the sword had been resisted by the little eastern counties, feeling power and forgetting right. We are told that one western county, in regard to population, wealth, and physical force should have had the weight of ten eastern counties, some of which had scarcely two hundred free white males in them above the age of twenty-six.[2]

Evidence of the discontent existing in Virginia before 1816 is rather fragmentary, such as the expression in a certain memorial that only the immediate rectification of present evils could allay "the excitement existing in the state." [3] In 1816 the sectional troubles culminated in the Staunton Convention, the first of a series of meetings held for the purpose of protesting against the administration of the Richmond Junto. Thirty-seven counties lying between the Blue Ridge and

[1] Debates of Constitutional Convention, 1829-30, p. 346.
[2] *Niles Register*, 1822, Vol. 23, pp. 341-342.
[3] Memorial of the Staunton Convention. See above, p. 29.

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the Ohio River were represented by seventy delegates. From the Trans-Alleghany were twenty-eight delegates from the following counties: Berkeley, Brooke, Greenbrier, Hampshire, Hardy, Harrison, Jefferson, Kanawha, Monongalia, Monroe, Ohio, Pendleton, Randolph, and Wood.[1] In this convention Botetourt, Rockbridge, Augusta, and Montgomery counties favored merely a mild petition to the legislature urging a redistricting of the state. Delegates from the counties further west felt the need of a stronger method of persuasion and were willing to go to any reasonable length to accomplish their purpose. Their chief ambition was to provide for the amendment of the state constitution "so as to give a fair and equal representation to every part of the state in both branches of the legislature."[2] The convention adjourned after drawing up a memorial to the General Assembly and providing for a working organization in each county. In the petition only the mildest language was used, and it was even declared that existing inequalities were caused by the "operation of natural causes." The legislature was requested to call a constitutional convention for the purpose of redressing certain wrongs which were inevitable under the old constitution.

At various times, beginning in 1817, bills had been introduced into the General Assembly providing for the

[1] The delegates elected from Tyler County failed to put in their appearance.

[2] It is interesting to observe that the delegates from the extreme western counties were more conservative than the Valley delegates.

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calling of a constitutional convention. Sometimes they had passed the lower house only to be defeated in the Senate.[1] The services of Thomas Jefferson were enlisted in the cause of constitutional revision and the noble old democrat, then standing on the brink of the grave, expressed his views in language which could not be misunderstood. "Upon what principle of right or reason can anyone justify the giving to every citizen of Warwick as much weight in the government as twenty-two equal citizens in Loudoun?" [2] he asks, and the eastern patricians could only reply that the constitution, under which they had enjoyed for forty years a share of political prosperity and personal blessings which had rarely fallen to the lot of man, should not be left to the mercy of untried hands.

In 1823 a new line of attack was begun and the matter of removing the capital from Richmond to some city in the Valley was first agitated. Representative Baldwin who sponsored the bill in the House of Delegates showed that Richmond was not even close to the center of white population any longer. Since 1790 the west had increased 132,076, while the east had gained but 42,032. But Richmond as the seat of government was too firmly fixed in the minds of the people of the state to be shaken by anything less than a revolution, and it was altogether likely that the proposal was a sort of declaration of intention, to the effect that if

[1] In 1817 the contest was a close one and moves the editor of *Niles Register* to remark: "We hardly believed that it would have been so much opposed." Vol 11, p. 399.

[2] *Ibid.*, 1824, Vol. 26, p. 179.

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more privileges were not granted the western counties there would be open war between the sections of the state. At the time there is no question that Virginia was "an aristocratical republic" where the right of suffrage, which was the constituent quality and the sovereign power of a citizen, was limited to the landed aristocracy of the state.[1] Little wonder that in an assembly where "working people were rarely found" [2] and little welcomed, a bill designed to democratize the organic law of the state encountered bitter opposition.

The voice of the people would not be stilled, however, and the Assembly was forced to yield to the importunities of the western counties; so in 1828 the question of calling a constitutional convention was submitted to the people of the state and the proposition was endorsed by a vote of 21,896 to 16,646. As might be expected seven eighths of the Tidewater district were in opposition. We are somewhat surprised to find an almost equal division of opinion in the Piedmont. The vote in the Valley was overwhelmingly in favor of the convention; and in the Trans-Alleghany three fourths of the qualified voters expressed their approval.[3] February 10, 1829, the General Assembly passed an act calling for the election of delegates to a convention which should meet in Richmond October 5, 1829, for the purpose of revising the existing constitution or of drawing up a new one. The western members

[1] *Niles Register*, 1825. See article on "Sovereignty of the People," Vol. 27, pp. 17, 33, 49, 66, 97.
[2] *Ibid.*
[3] Ambler, "Sectionalism in Virginia," p. 144.

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of the legislature contended for the election of delegates on the basis of white population, but they were overruled and a compromise favorable to the east was adopted, giving each senatorial district four representatives. That this plan worked to the advantage of the eastern counties may be seen from the fact that of the ninety-six delegates to the convention forty-eight were from the Tidewater, twenty from the Piedmont, and twenty-eight from the Valley and the Trans-Alleghany. As the two older sections of the state were one on all important questions, particularly when their political primacy was at stake, the result was to give the conservatives sixty-eight of the ninety-six delegates in the convention. Stated more graphically, 362,745 white inhabitants in the Tidewater and Piedmont elected sixty-eight delegates and 319,518 white persons in the Valley and Trans-Alleghany were represented by twenty-eight delegates.[1] Several eastern senatorial districts contained fewer than 20,000 whites, while the western senatorial districts, entitled to the same number of representatives, four, had a population of from 37,000 to 60,000.[2]

[1] Debates of Constitutional Convention, 1829-30, p. 335.
[2] *Ibid.*, p. 87.

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CHAPTER V

THE CONSTITUTIONAL CONVENTION OF 1829–30

In no state convention, perhaps, have there been more distinguished men than in the convention which assembled at Richmond October 5, 1829. The presence of Madison, Monroe, and Marshall alone would have given the gathering unusual prominence; but there were other men, no less able, possessing reputations which extended far beyond the borders of the state. Senators Tyler and Tazewell, Representatives Randolph and Barbour, Judges Upshur and Green upheld the tradition that Virginia was the mother of statesmen. All the above-mentioned persons were from that part of Virginia lying between the Blue Ridge and the sea. From the west came men of only local prominence, but their character and ability were soon recognized on the floor of the convention hall. Philip Doddridge and Alexander Campbell, from Brooke County, deserve special mention. Doddridge had served in the National House of Representatives and was the author of a book which created quite a furore at the time.[1] Campbell is best known as the founder of the Disciples (or Christian) Church. Eloquent speakers such as Tazewell, Upshur,

[1] Doddridge's "Notes," printed in 1824, was one of the first anti-slavery publications to receive wide circulation.

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and Green met their match in this western preacher, upheld as he was by the splendid logic and the unsurpassed eloquence of Mr. Doddridge. The other sixteen delegates from the Trans-Alleghany were unknown to their eastern colleagues, and received but scant consideration. Throughout the convention the Trans-Alleghany and the Valley were aligned against the Piedmont and the Tidewater, the Blue Ridge forming the dividing line as did the Alleghanies thirty years later.

The convention organized with James Monroe as President, but before the meetings were half over he was compelled to resign because of poor health and P. P. Barbour [1] was elected to fill the place. Four committees consisting of one delegate from each of the twenty-four districts were appointed, and to one committee was assigned the task of framing the clauses relating to the legislative department; to another was assigned the executive department; to a third, the judicial, while the fourth was to report a bill of rights.[2] In the debate upon the appointment of committees Mr. Tazewell of Norfolk borough advocated the revision of the old constitution because the small majority which had called together the convention was composed of a "mixed and heterogeneous mass," while the minority who opposed the act were made up of an element respectable in numbers and character.[3] Thus in one sen-

[1] Afterward Associate Justice of the United States Supreme Court.
[2] "Debates," pp. 20–21.
[3] *Ibid.*, p. 17.

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tence we can perceive the narrow and intolerant spirit which dominated the minds of the Tidewater aristocrats.

Two great questions were under discussion the major portion of the time; viz., the basis of representation and the extension of the voting privilege. The Trans-Alleghany was most interested in the former question, for the reason that slaves composed but a small part of the population of its counties. Delegates from the Valley, in which section resided a large and intelligent non-voting class, massed their strength against the restrictions on suffrage.

The committees on judiciary and executive reported on October 20th, but the only change of any importance which they recommended was the abolition of the Governor's Council, a body that had given offense to the west by its opposition to internal improvement.[1] October 24th the legislative committee made its report, one that precipitated a debate which lasted with but slight intermission until the end of the session. The most important recommendations of this committee were: First, that in the apportionment of representation in the House of Delegates regard should be had to white population exclusively; second, that reapportionment should be made at least every twenty years after 1845; third, that suffrage be extended to three classes of citizens besides the freeholders already exercising that right—namely, owners of an estate in fee, in remainder, or in reversion, leaseholders, and certain heads of families paying revenue to the state. The

[1] "Debates," p. 33 *et seq.*

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fourth recommendation was to the effect that the number of Senators should neither be increased nor diminished. These suggestions met with the approval of the eastern delegates, who had always upheld the principle that property as well as persons should be represented. So Judge Upshur says, "If the interests of the several parts of the commonwealth were identical it would be safe and proper that a majority of persons only should give the rule of political power. But our interests are not identical and the difference between us *arises from property alone.*" [1]

Doddridge attacked this position and showed that under the rule of property the west had been retarded in growth. "Your doctrine makes me a slave," he said to Upshur; "we are a majority of individual units in the state and your equals in intelligence and virtue, moral and political. Yet you say we must obey you. You declare that the rule of the minority has never oppressed us nor visited us with practical evil; but of this we are the best judges. We have felt your weight and have suffered under misrule." [2] An amendment to the first resolution reported by the committee on legislature providing "that in the apportionment of representation in the House of Delegates regard should be had to white population and taxation combined," provoked a discussion which lasted three weeks. Its only effect was to increase the ill-feeling among the delegates. The east favored the amendment, on the ground

[1] "Debates," p. 65 *et seq.*
[2] *Ibid.*, p. 88.

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that power to govern should reside in that portion of the people which paid the most taxes. The west, it was asserted, took more from the treasury each year than it contributed and yet it was asking the east to transfer political control to those who were paying one fourth of the taxes.[1] The approximate truth of this statement was admitted by the western speakers who, in rebuttal, replied that if property was to be counted as a basis for voting, consistency demanded that each person be entitled to as many votes as some standard which should be fixed by his tax receipts should warrant. Then and only then could we "come out into the open as an aristocracy and not parade around in the guise of a republic." [2]

The contemptuous attitude exhibited by the eastern delegates toward their western colleagues did much to widen the breach which had existed before the convention met. For example, Mr. Leigh, of Chesterfield County, expressed the following opinion: "In every civilized country under the sun some there must be who labor for their daily bread, either by contract with or subjection to others, or for themselves. Slaves in the eastern part of this state fill the place of the peasantry of Europe, of the peasantry or day laborers in the non-slaveholding states of this Union. . . . Even in the present state of the population beyond the Alleghany there must be some peasantry . . . that is, men who tend the herd and dig the soil, who have

[1] "Debates," p. 112.
[2] *Ibid.*

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neither real nor personal capital of their own and who earn their daily bread by the sweat of their brow. These, by this scheme [1] are all to be represented—but not our slaves. And yet in political economy the latter fill exactly the same place. . . . Now what real share *so far as mind is concerned does any man suppose the peasantry of the west . . . can or will take in the affairs of the state?*" [2]

November 7th the one Tidewater delegate [3] who advocated the adoption of the white basis of representation throughout resigned, because he had been requested by his constituents to support his fellow members from the east. His withdrawal and the election of Hugh Grigsby weakened the reformers at a time when every vote counted. So tightly were party lines drawn and so embittered did the discussions become that more than once a division of the state was suggested as the only possible outcome of an otherwise insoluble question. Mr. Monroe was fearful that such would be the outcome eventually, and Mr. Giles held the same view. "Could not every gentleman see in these extraordinary excitements and actual movements of the people great danger of a separation, particularly where a geographical line of demarcation was already

[1] Referring to the recommendation of the committee to apportion delegates in the lower house according to white population.

[2] "Debates," p. 158 *et seq.* The terms "peasantry" and "yeomanry" had always been applied to the Trans-Alleghany settlers. The Richmond *Whig and Advertiser* May 13, 1836, tells of a monument erected at Norfolk to the "brave and patriotic yeomanry of the upper country who defended Norfolk in 1814–15."

[3] Robert B. Taylor of Norfolk. "Debates," p. 234.

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designated for separating the combatants?" he asks.[1]

The discussion dragged along until November 14th when it was brought to a conclusion by John Randolph in a typical speech wherein he declares that it was the first time in his life he had ever heard of power being divorced from property, and said, furthermore, that if he were a younger man he would not "live under the monstrous tyranny of King Numbers which it was proposed to subject us to."[2] Green's amendment was defeated by a vote of forty-seven to forty-nine. Mr. Leigh now proposed to adopt the federal basis of representation in the House of Delegates, a proceeding characterized by Alexander Campbell as that of "making three white men out of five negroes or of putting five souls into three bodies."[3] Mr. Leigh's proposition was defeated and as it was perceived that no compromise could be effected at this time, the section was passed by and the recommendations in reference to suffrage were taken up.

The east was firmly opposed to the extension of the ballot. Already there were too many ignorant voters in the state and now it was proposed to add further to the list. Mr. Wilson of Monongalia County offered a substitute for the report of the committee, which, if adopted, would have given Virginia a most liberal suffrage law. The only qualifications for voting were to

[1] "Debates," p. 253.
[2] *Ibid.*, p. 321.
[3] *Ibid.*, p. 123.

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be those of age, residence, enrollment in the militia, and the possession of good character and sound mind. The abolition of the freehold limitation was urged because, first, it worked a hardship upon the man who was so unfortunate as to lose his property; second, because many able persons failed to acquire property; third, because it banished "vast numbers of our young men to the western states, where this odious restriction does not exist. . . . I speak of western Virginia when I say that if the state were called upon to furnish annually her quota of troops to aid the general Government in resisting the attack of all Europe combined it would not consume our strength or retard our population more than do the restrictions imposed by her laws upon the right of suffrage." [1] In opposition to this it was declared that the freehold restriction was the safeguard of the middle class and the enemy of aristocracy. The dependents of the wealthier classes would vote as they were directed, a condition which would be far worse than the existing one.[2] Mr. Wilson's substitute was defeated thirty-seven to fifty-three.[3] The west was now committed to universal suffrage and around this the debate raged for many days. It was advocated as the panacea for all political ills and opposed as the source of all the evils to which the flesh was heir. Mon-

[1] "Debates," p. 254.
[2] *Ibid.*, p. 367.
[3] Monroe, Madison, and Marshall all voted in the negative, and in practically all questions aligned themselves with the conservatives, although on several occasions Madison voted with the western delegates.

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roe, whose aim as long as he sat in the convention [1] was to play the part of pacificator, wished to reconcile the divergent views of the members if possible, but proved from history that every republic which had decayed and passed away was first of all undermined by laws designed to open up citizenship and voting to those people who had no permanent interest in the State.[2]

By mutual consent the convention passed on to consider the question of how the Senate should be chosen. Many propositions were brought in designed to reform this body, but the plan finally adopted was one which left unchanged the basis of representation. It merely distributed the Senators among the four grand divisions of the state—a virtual recognition of sectionalism. There were to be thirty-two Senators and one hundred and thirty-four members in the lower house. The Valley and the Trans-Alleghany split on the question of the adoption of the white basis of representation. The former possessed large numbers of slaves and was not willing to see them omitted when the time came for apportioning representation. The plan finally agreed to suited this section very well, as it left unsettled the question at issue and gave to its counties a much larger delegation in the legislature.[3]

[1] He resigned Dec. 12, 1829.

[2] "Debates," p. 325.

[3] The plan finally adopted was opposed by every Trans-Alleghany delegate; was voted for by every delegate from the Tidewater, while the Valley cast the deciding vote in its favor. Nearly all the eastern delegates who voted for the white basis were from counties bordering on North Carolina, Kentucky, and Maryland.

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The executive department was the next object of attack, and here Mr. Doddridge proposed a radical change—that of having the Governor elected by the people instead of by the legislature. The council was to be abolished altogether. In spite of the fact that the conservatives could find few real arguments against these proposals they were defeated. Similarly an effort to have the county court elected by the people instead of being appointed by the Governor failed. This body had become a close corporation and its power of electing the sheriff gave it tremendous power in the localities. The reformers also endeavored to have the office of sheriff made an elective one, but their efforts proved of no avail, even though the report of the committee on legislation favored it. The conservatives were in full control of the convention and wrote into the constitution anything they dared. We say dared because the thinly-veiled threats of the western delegates had not been lost, and while the new frame of government was far from being ideal, viewed from the twentieth century, it had, nevertheless, gone farther than would have been the case had the western leaders held their peace.

The last two weeks of the convention were taken up with the consideration of minor questions. A resolution introduced endorsing a free public school system was contemptuously rejected. A provision for future amendments to the constitution was removed from the final draft by a vote of sixty-eight to twenty-five. It was at this point that John Randolph prophesied that

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the new constitution would not last twenty years. Opposed to all change, he believed the oldest things to be the best. "They may say what they please about the old constitution," he said; "the defect is not there. It is not in the form of the edifice . . . neither in the design nor in the elevation; it is in the material, it is in the people of Virginia. I will do nothing to provide for change. I will not agree to any rule for future apportionment or to any provision for future changes called amendments to the constitution. They who love change, who delight in public confusion, who wish to feed the cauldron and make it bubble may vote if they please for future changes. . . . No constitution that you can make will last the half of half a century. Sir, I will stake anything short of my salvation that those who are malcontent now will be more malcontent three years hence than they are to-day." [1] And so it proved, for within less than three years organized movements were set on foot to destroy the document which had been constructed so recently at so much expense and labor.

The convention ended its work January 14, 1830, with the adoption of the constitution by a vote of fifty-five to forty. On the negative side were all the delegates from the Trans-Alleghany, one of the Valley representatives [2] and a Mr. Stanard from Spottsylvania County.[3] The sentiment among the western members

[1] "Debates," pp. 790–791.
[2] Mr. Cooke, of Frederick County.
[3] The final vote is recorded on p. 382 of the "Debates."

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seemed to be that in the constitution of 1830 they had not been given even half a loaf; that the Tidewater planters had again succeeded in frustrating all attempts to make Virginia a democratic state in a democratic Union.

In accordance with the schedule the constitution was submitted to the qualified voters of the state at the regular April election and after a bitter contest, in which the chief sensation was a circular letter sent out by Mr. Doddridge attacking certain members of the convention, the new frame of government was ratified by a vote of 26,055 to 15,563.[1] An analysis of the vote shows that with two exceptions [2] every county included in the present state of West Virginia piled up majorities against ratification. The northern Panhandle rejected it by 1,014 to 3, and in no western county was there anything more than a mere scattering of votes in the affirmative. It is somewhat surprising to find the Valley supporting strongly the new constitution, an action which was a virtual rejection of the action of the Valley delegates in the convention.[3] Thenceforth the two western divisions of Virginia were to pursue separate courses, with but few exceptions. The slaveholding Valley was to have little in common with the free western counties in the future.

The constitutional convention of 1829–30 marks an

[1] "Debates," p. 903.

[2] Jefferson and Hampshire counties.

[3] Giles, Bath, Montgomery, Wythe, Grayson, Warwick, Scott, Russell, and Lancaster counties, all of which held few slaves, voted against ratification. The vote in Wythe County was 41 to 625; and in Grayson, 70 to 649.

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important epoch in the history of Virginia. Summoned for the purpose of silencing sectional disputes, its one great and lasting effect was to crystallize these disputes into such a form that ever after they were easily recognized and understood. It had the useful effect of bringing together men from all sections of the state and showed the east that some good and able men could come from the west. The two great factions from this time on had a truer if not a better understanding of each other. For the first time the east began to appreciate the vast possibilities that lay beyond the Alleghanies, and the west, conscious of its latent power, threatened secession from the state whenever it believed itself to be unjustly treated. Western Virginia at this time was certainly not opposed to slavery, although it was so considered by the other sections of the state. But it is unquestionably true that the reformers came away from the convention of 1829–30 more hostile to slavery than they had ever been before. They saw that the "almighty nigger" enabled the east to maintain its grip on the political situation and were under no illusions regarding the unwillingness of the east to surrender the power which was theirs as a result of property in slaves.

As has been previously suggested, the adoption of the constitution of 1830 widened the gap between the two sections of Virginia. "The power of the state was divided against the necessity of the state. . . . The struggle to equalize the representation according to the number of citizens engendered strife and sectional an-

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tagonisms. The east then felt the necessity to be taxed for roads and canals and had the majority of representation to withhold appropriations to public works." [1] The west was conscious of its growing strength, and the publication of the census of 1830 made that section feel more strongly that it was laboring under oppressive and unjust laws.[2] Immigration served to keep up this spirit of discontent, for the new settlers came principally from foreign countries and from free states and had no sentiment for old Virginia traditions. Much of the conservative spirit which cropped out in western Virginia at all times was due to sentiment alone; but the new settlers who helped to swell the population of the western counties could not be checked in some action hostile to the east by the command to conjure up the memory of Washington, Patrick Henry, and Jefferson.

[1] Address of Henry A. Wise. *De Bow's Review*, 1857, Vol. 23, p. 65.

[2] The census showed the following distribution of population in Virginia:

	Whites	*Slaves*	*Free Colored*	*Total*
Trans-Alleghany	183,245	18,671	1,492	203,408
Valley	134,825	34,804	4,681	174,310
Middle	208,895	230,953	11,960	451,808
Tidewater	166,089	186,445	28,873	381,407
				1,210,973

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CHAPTER VI

THE PROGRESS OF SECTIONALISM

BETWEEN 1830 and 1840 sporadic attempts were made to rectify the existing abuses. The time was not ripe for the calling of another convention, for the state had not forgotten what the last one had cost. The west, however, never let the question drop and through the medium of newspaper editorials and resolutions of public meetings the western heart was fired for a reform which should be reform indeed. National politics were at fever heat during this decade and absorbed the time and attention both of the people and of their representatives in the legislature. At the opening of the special session of the legislature in 1837 Governor Campbell in his message advised that body to adjourn just as soon as it had disposed of the one question for which it had been called together, because, said he, "no good can arise from agitating the public mind by proposing new plans of reform—and evil may."

The census of 1840 showed the white population of the west to be greater than that of the east by 2,351. And the west was not slow in making capital of this fact. As a proof that the political leaders of the east had failed to keep up with the spirit of the times, they

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pointed to the figures on illiteracy, which proved that Virginia was in a deplorable condition educationally. The census reports announced the illiterate whites in Virginia to number 58,732 at this time, 29,808 of whom were in the east and 28,924 in the west. Harrison and Monongalia counties led with 2,327 and 2,132 respectively.[1] The east professed its inability to perceive any good reason for this, admittedly, disgraceful condition of affairs, but the west placed the blame on the retrogressive eastern Junto, whose aims and ideas were no further advanced than those of Governor Berkeley. The west fairly clamored for reform. The discovery that the majority of white persons in the state were represented by ten Senators and fifty-six delegates, while the eastern minority sent nineteen Senators and seventy-eight delegates to the General Assembly, made the reformers more determined than ever to seek and to obtain redress. The constitution of 1830 provided "that the General Assembly after the year 1841 and at intervals thereafter of not less than ten years shall have authority, two thirds of each house concurring, to make reapportionment of delegates and Senators throughout the commonwealth"; and to this clause the western leaders pinned their hopes. However, there was nothing mandatory about this provision and behind this the east took refuge. In 1842 a bill to reapportion delegates on the basis of qualified voters was rejected, in spite of a favorable committee report. Similarly,

[1] "The Sentinel of the Valley," quoted in *Niles Register*, Vol. 69, pp. 22–23.

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a movement to call a convention failed.[1] Before this legislature adjourned a protest was submitted by fifty western members, pronouncing the refusal of the east to live up to the spirit of the constitution as sufficient cause for decisive action.[2] The refusal on the part of the east to correct the inequality of representation was a violation of the Declaration of Rights, declared the protestants. Meetings were called in various parts of the western counties and resolutions and memorials adopted without number. A convention at Lewisburg in the summer of 1842 was attended by eighty delegates, quite a number of whom took a prominent part in the events of 1861.[3] Newspapers hurled editorial broadsides at their eastern brethren. A most succinct statement of grievances is to be found in a paper published in the northern Panhandle:

"West Virginia has a population of 271,000 and a representation of fifty-six in the Assembly, while Virginia has 269,000 and seventy-eight delegates. West Virginia has in the Senate thirteen, eastern Virginia, nineteen. The consequence is, eastern Virginia caring nothing about roads, we have none—opposed to the general policy of other states, and we are compelled to submit. West Virginia is represented in Congress by seven members, eastern Virginia by fourteen members. No Senator has ever been elected from west of the Blue Ridge. All public officers are appointed from the east;

[1] *Niles Register*, 1842, Vol. 62, p. 32.
[2] *Ibid.*, p. 80.
[3] *Ibid.*, p. 387.

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the Governor is an eastern man, and all the state expenditures are made in the east. It strikes us that these are something to quarrel for." [1]

The session of 1843 ended without decisive action on the sectional questions at issue, although the House of Delegates passed a bill for reapportionment on the combined basis of population and taxes. This the west did not want. They knew that the east contributed more to the state treasury, and any election of delegates with taxation as a basis would confirm the east in its political mastery. The plan was denounced as "the most iniquitous and unjust that could be devised by any process short of a resort to the regions of Pluto. There is a line over which the oppressor cannot pass. This line has been overstepped by the Virginia legislature and we shall be craven-hearted cowards if we do not bid them to come farther at their peril." [2] This and similar examples of editorial hyperbole served the cause of reform, but it is only fair to state that the grievances of the west, real as they were, were always overstated. Statistics show that the Trans-Alleghany had received some money for internal improvements, and had been represented in the principal offices of the state. The east positively declined to admit that there were any just grounds for complaint, and professed to view the whole matter as a means whereby the west could undertake the coercion of the east and thereby obtain

[1] Wheeling *Times and Advertiser*, June 28, 1842, quoted in *Niles Register*, Vol. 62, p. 387.

[2] *Ibid.*, Feb. 16, 1843, quoted in *Niles Register*, Vol. 67, p. 400.

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large sums of money for improvements which would not benefit the whole state.

A new turn in affairs was taken when the legislature refused to permit the Baltimore & Ohio Railroad to construct a line which would strike the Ohio at the mouth of the Little Kanawha River. The Wheeling district would be taken care of by the line through Cumberland to Baltimore, but the central counties of western Virginia were isolated from the rest of the state. A meeting was held at Clarksburg, May, 1845, to protest against the restrictive policy of the legislature. "If such is to be the settled policy of the legislature toward the northwest," the resolutions read, "better, much better would it be for this portion of the state at once to dissolve the political connection that now binds it to the rest of the state." [1] Richmond was opposed to the granting of any franchise that might lead to the diversion of trade in the direction of Baltimore and preferred to see the James River and Kanawha Canal completed,[2] but the superiority of the railroad over the canal was now unquestioned and the west

[1] *Niles Register*, 1845, Vol. 68, p. 254. Many of the Valley newspapers endorsed the sentiments of the Clarksburg resolutions.

[2] *Niles Register*, 1846, Vol. 68, p. 255, quotes the Richmond *Times* to that effect. A Right of Way Convention was held at Weston, Lewis County, Sept. 25, 1846, to protest against the refusal of the Legislature to grant the B. & O. a franchise. The act was denounced as one of "injustice and oppression unparalleled in the history of legislation." *Ibid.*, Vol. 71, p. 99. Feb. 19, 1845, the Legislature passed an act granting a right of way to the B. & O. R. R. but the restrictions were so onerous that the directors declined. *Niles*, Vol. 68, p. 310.

It is worthy of observation that after 1847 "western Virginia" is often printed West Virginia.

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became indifferent to those great enterprises which had for their object the union of the various sections of the state by a system of canals. Baltimore was looked upon as the natural eastern market and while, everything else being equal, the west would have preferred to do business with Richmond, nature had provided otherwise.

February 10, 1846, a bill calling for a constitutional convention could have been enacted had the west been willing to yield its demand for the white basis of representation, but this they refused to do and the dispute dragged on for several years. As the time approached for taking the census of 1850 a feeling became manifest among the western advocates of reform that it would be as well to await the census returns, for they felt sure that the Trans-Alleghany region would be shown to have a clear majority of the white population in the state. John Letcher, Governor of Virginia at the time of the outbreak of the Civil War, in a speech at Wheeling gave expression to this idea:

"Three years hence another census will have been completed. Then it will appear how large a majority we are of the citizens of the commonwealth and how unjust it is that our fellow citizens of eastern Virginia, being a minority of the people, should be able by means of their majority in the legislature to govern both eastern and western Virginia for their own advantage. You have striven in vain to get this inequality of representation rectified. The same legislative majority has used the power of which we complain to make our complaints fruitless and to retain the ascendancy now,

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when they represent a minority of the people, which they secured to themselves eighteen years ago while they yet represented the majority. There is . . . in different parts of Virginia every degree of difference from the least to the greatest between the slaveholding and the non-slaveholding interests of the people. In several parts of the state the slaves are two or three times as numerous as the whites, and the slaveholding interest overrules and absorbs everything." [1]

Western irritation was well expressed in the editorial columns of the largest newspaper in that section:

"Is there any strong line of demarcation between the different sections? Is the fact of residing above tidewater, east or west of the Blue Ridge, on the Ohio or on the Atlantic, a good and sufficient reason why distinction should be made in the grant of legislative power? If so, then the fact forms good grounds for a separate state government. If the west is not capable of self-government and it is not granted, then the west is in a state of colonial dependence and deemed unworthy of a fair and equal association, and either deserves the fostering care that a territory or colony deserves or a separate and distinct government. Colonies and territories are generally refused a representation . . . but the expenses of their government are paid for them. . . . Not so free, liberal, democratic Virginia. She holds her western colony in subjection, denies her representation; taxes her in full proportion to her population; kindly calls on her sons to defend her in war . . . and yet expends nothing upon her or for her benefit." [2]

[1] Wheeling *Intelligencer*.
[2] *Niles Register*, Vol. 68, p. 390, quoting *The Western Virginian*.

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In 1850 a division in the western delegation in the General Assembly enabled the legislature to pass an act calling for a constitutional convention, delegates to be chosen on the mixed basis. The west opposed the convention on the ground that every white person was to have just a little more than half as much weight as a dollar in taxes, since the white population of the state was 887,717 and the revenue tax amounted to $472,516.31. Thus every $7,000 elected one delegate and every 13,151 white persons chose one delegate.[1] In the popular vote on the question of calling a convention twenty-nine of the forty-three western counties were recorded in the negative. All but two of the eastern counties voted in its favor. It is a noteworthy fact that every county in the Valley gave a majority for the convention—unimpeachable evidence that the two districts west of the Blue Ridge were no longer of the same political mind.[2] The people of the state expressed themselves as approving of a change in the organic law of the state by a majority of 25,000, which is sufficient proof that Tidewater Virginia for the first time conceded the need of reform. This fact is illustrated by the changed attitude of the Richmond *Enquirer*, which now came out unreservedly for a thorough renovation of a "system universally repudiated by all who have any confidence in the capacity of men for self-government."

[1] J. A. C. Chandler, "History of Suffrage in Virginia," Johns Hopkins University Studies, Series 19, pp. 279-346.
[2] Ambler, "Sectionalism in Virginia," p. 260.

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Alarm was felt over the economic condition of the state. Emigration from the eastern counties was taking place to such an extent that many of them showed an actual decrease in population. Newspapers of the time contained almost daily accounts of the removal of young men from the homes of their fathers to some point farther west. That measures had to be taken to check this movement was becoming evident:

"We want something here to reanimate and revive the people. We have slept on until we require to be aroused. . . . But let us not run to excess. Give the people more power. . . . Make them take an interest in their government by imposing on them the duty of selecting more of the agents of that government, and we doubt not that these functionaries will be more competent for the faithful discharge of their duties than those heretofore elected. We shall become a fresher and more animated people."

The election of delegates to the convention was held on the fourth Thursday in August, 1850. In nearly every county the chief issue raised was that of the basis of representation. In the east Henry A. Wise was the only delegate to be elected on a platform favoring the white basis in both House and Senate. With characteristic boldness he declared himself in favor of a liberal public school system, equality of representation, and the rule of the majority. Representation based on slaves who had no political voice or entity, on carriages which were luxuries, and on licenses to sell whisky he pronounced as fundamentally aristocratic.

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Wise further advocated biennial sessions of the legislature, the abolition of imprisonment for debt, universal male suffrage, and the election by the people of all important state and local officers.[1]

As might be expected, every delegate from the Trans-Alleghany was pledged to the white basis of representation in both houses of the legislature. The people of the Valley were in the fortunate position where reform could neither make nor mar their fortunes and were naturally less interested in the convention than the other sections of the state. Scanning the names of the one hundred and thirty-five delegates chosen, one cannot but be struck by the fact that a new generation had sprung up in the past two decades. There was not a prominent member of the convention of 1829–30 present in 1850 to assist in the making of Virginia's third constitution. The Leighs, Madisons, Monroes, Marshalls, Doddridges, Campbells, and Randolphs had few compeers on the floor of this convention. There were many who became prominent in the Civil War period, notably, M. R. H. Garnett, John Minor Botts, John Janney, John Letcher, John S. Carlile, Benjamin R. Floyd, C. J. Faulkner, and W. T. Willey; but few of these men had attained more than local prominence in 1850.

The convention organized with John Y. Mason as President. In his opening address Mason was careful to avoid any direct reference to the sectional questions at issue and urged his fellow members to recall the fact

[1] Wise, "The Life of Henry A. Wise," pp. 144–145.

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that "patriotism knows no section." [1] After the usual skirmishing for position by the various factions, committees were appointed to take under consideration the main points at issue. The most important, that of the basis and apportionment of representation, was to be considered by men chosen in equal numbers from the east and the west. This principle was observed pretty generally in the selection of all committees. Party lines were so tightly drawn that there was scarcely a person whose views were not known to his colleagues.

It soon became evident that much of what was to be accomplished would be based on statistical reports, and this being the case the better part of wisdom was to adjourn until the results of the census of 1850 were known. So on November 4th the western delegates succeeded in carrying through their plan of adjourning until January 6, 1851. The east, fearing that the new census would give their opponents an important advantage by revealing the eastern minorities, fought the point bitterly, but it was carried by a majority of four votes.[2]

The convention reassembled at the time designated and remained in session until August first. Its proceedings were characterized, generally, by an intense desire on all sides to come to some satisfactory agreement and while there was a great display of sectional feeling and numerous threats of secession were made, nevertheless the general tone of the convention was of a

[1] Journal, Virginia Convention of 1850–51, pp. 5–6.
[2] *Ibid.*, p. 75.

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more conciliatory nature than that which had prevailed at other times when representatives from the different sections of the state had gathered together for such a purpose. There was really only one big question to settle: that of the basis of representation. The extension of the ballot to all men over twenty-one years of age was practically assured before the convention met, and all other issues were comparatively unimportant or susceptible of satisfactory compromise.

The committee on representation struggled hard to reach a conclusion acceptable to all, but was compelled to report finally that it was "equally divided in opinion, twelve of its members agreeing and adhering to one principle of representation and the other twelve members agreeing and adhering to another and different principle." [1] Two plans were submitted—one, that of the eastern delegates providing for a lower house of one hundred and fifty-six members and a Senate of fifty-one members, while the western recommendation was for a House of one hundred and fifty-six members and a Senate of thirty-six. The eastern apportionment was based on a combination of suffrage and taxation, one seventy-fifth of the total taxation giving a member regardless of population. The principal advocates of this plan, Scott, Barbour, and Stanard, affirmed that any other basis would give the west a predominance in the legislature to which it was not entitled by virtue of its share in taxation.[2] Thus their scheme

[1] Report of the Committee on the Basis of Representation: Journal of the Convention, appendix, pp. 1–5.

[2] "Life of Henry A. Wise," p. 148.

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would give the east eighty-two delegates and twenty-eight Senators, and the west sixty-eight delegates and twenty-three Senators. The western members of the committee based their report on white population and suffrage alone, conceding seventy-one delegates and seventeen Senators to the east, while the west was to be represented by eighty-five delegates and nineteen Senators.[1]

The white population west of the Blue Ridge at this time was nearly 100,000 in excess of that of the cismontane region, so the issue was clearly drawn: Should property as well as persons be represented? With this problem the convention wrestled for four months and at the end of that time had arrived at no conclusion. Many compromises were suggested and rejected, sometimes without consideration. One would divide representation in both houses equally between the two grand divisions of the state.[2] A proposal of Mr. Summers to allow the people to decide the question was turned down by a strictly sectional vote, the east not caring to take their chances with the hostile western majority. Henry A. Wise suggested that until 1861 the east be given the majority in both Houses, and after that time representation be apportioned according to the number of qualified voters. For five days Mr. Wise spoke in favor of the white basis. He denounced a system which

[1] The counties included in the present state of West Virginia would have been given thirty-six delegates and ten Senators by the eastern plan, and forty-nine delegates and eleven Senators by the western plan.

[2] This suggestion by Mr. Botts was derided by the Richmond *Examiner* as chimerical as his speech was inane.

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would give $132,000 more weight in the government than 94,000 white persons. "Give us an united people with one affection, one interest, one feeling, one impulse. . . . Give me for the people of Virginia free and universal education; give me free and equal suffrage; give me free and universal representation for our people and who can foretell our destiny?" [1] are his final words. His exhortations were of no avail and this proposal was rejected.

As the debates grew more acrimonious, talk of a division of the state was revived. Several eastern delegates declared that they would favor separation if the white basis were adopted; [2] an article in the New York *Tribune* claiming that the west would abolish slavery when they got the power into their hands was quoted frequently on the floor of the convention.[3] The leading Democratic organ of Richmond [4] predicted dismemberments of the state unless a better spirit was exhibited on both sides:

"Such a result we should regard as a most melancholy catastrophe. . . . If Virginia cannot regulate her internal affairs, if the interests and feelings of her citizens are so diverse and so conflicting that the noble old state must be severed in twain, what reasonable hope can we entertain that the vast line of states stretching from one ocean to another can resist the divellent forces and survive dissolution? . . . Virginia divided; the

[1] "Life of Henry A. Wise," p. 150.
[2] *Ibid.*
[3] *Weekly Pennsylvanian*, Apr. 26, 1851.
[4] *The Enquirer.*

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Union dissolved . . .; what an awful record would be spread out for the pages of history!" [1]

An ill-chosen remark by Mr. Chilton of Fauquier County that "we must have an infusion of monarchical and aristocratic principles in order to check pure democracy" aroused the ire of the liberals. Wise retorted, "your doctrines have been for seventy-odd years too much regarded." [2] The west, led by Joseph Johnson, the only Trans-Alleghany governor Virginia had chosen previous to 1860, began to take active steps for the dismemberment of the state, which course was declared to be entirely factious and unjustifiable and one that would excite strong feeling throughout the state. The east, it was asserted, having a clear majority and able to decide upon the mixed basis had nevertheless offered to compromise and had proposed liberal terms which the west had rejected. Therefore the responsibility for what might happen rested upon this section.[3] After it was perceived that neither of the reports brought in by the original committee could be adopted, a new committee of eight, evenly divided between the two factions, was elected on May 12th.[4] The western members of this committee, proving more complaisant than had been expected, consented to bring in a report giving the majority in the Senate to the east and the majority in the House to the west. By a majority of

[1] *The Enquirer*, Apr. 15, 1851.
[2] *Weekly Pennsylvanian*, Mar. 29, 1851.
[3] Alexandria *Gazette*, May 14, 1851.
[4] Journal of the Convention, p. 206.

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one this plan was turned down. A reconsideration of the report led to a succession of compromises, ending finally in the adoption of a plan providing for a House of one hundred and fifty-two members and a Senate of fifty, the west to control the lower, and the east, the upper house. A reapportionment of representatives should be made in 1865 and every ten years thereafter, and in the event that the General Assembly failed to provide for this the governor was to submit four questions to the voters giving them their choice of the "suffrage basis" in both houses, the "mixed basis" in both houses, the "taxation basis" in the Senate, or the "mixed basis" in the Senate and the "suffrage basis" in the House. The acceptance of this plan ended a contest which had occupied the center of the stage for thirty years. Neither party was entirely satisfied, but the belief prevailed that the west had a little the better of the bargain, especially as it gave that section a majority of four on joint ballot.[1]

As for the other points at issue, universal manhood suffrage was easily carried through—an impressive commentary on the modification of political ideas in Virginia; the sessions of the legislature were to be held biennially; and all important state officers from the Governor down were to be elected by popular vote.[2] Thus the principal points for which the west had fought for three decades were finally won and Virginia

[1] One of the first results of the new constitution was the election of a Governor and two U. S. Senators from the west.

[2] There was little opposition to the abolition of the Governor's Council.

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was at last qualified to call herself a truly democratic state.

One clause was inserted in the constitution under taxation and finance which was destined to cause mischief. Sections 23 and 24 provided for the assessment of all property *other than slaves* according to its full value. Slaves under twelve years of age were exempt from taxation altogether; all others were to be assessed at $300 *per capita*.

The new constitution won its way gradually to popularity. It had gone further toward reform than the east desired, as is shown by the fact that when it came to a question of its adoption or rejection by the people the east voted against it.[1] The campaign against ratification was carried on vigorously, but opposition grew less and less as election day approached and when the ballots were counted it was found that the new instrument of government had been adopted 75,784 to 11,063.[2]

For the next ten years little complaint was heard from any part of the state. It is true that rumors were circulated and gained credence that the white planters were intimidating the poor whites at every election, but all in all, Virginia from 1850 to 1860 enjoyed a period of political quiet unparalleled in her history.

[1] Ambler, "Sectionalism in Virginia," p. 271.
[2] *Ibid.*

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CHAPTER VII

WESTERN VIRGINIA AT THE OUTBREAK OF THE CIVIL WAR

As HAS been suggested, the constitution of 1851 was satisfactory to the west in all but two particulars; viz., the basis of representation in the upper house and the partial exemption of slave property from taxation. Even these alleged grievances could scarcely be called burning issues previous to the time when it appeared possible that Virginia might secede from the Union. Then they were seized with avidity by the north-western leaders, were used as a club by these men in the Richmond Convention and, when the ordinance of secession was passed before redress was assured, they became the chief basis of almost every speech in favor of the dissolution of the state, with the Alleghanies as the dividing line.

In the presidential election of 1860 western Virginia [1] had exhibited as great a variety of opinions as any section in the United States. Breckenridge carried eighteen counties, Bell, fifteen, and Douglas, two. Hancock County was evenly divided between Lincoln and Breckenridge, while the other counties scattered their

[1] The term "western Virginia" will from this point on be understood to include only those counties now in the state of West Virginia.

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votes among all the candidates. Lincoln received 1,929 votes, nearly all of which were cast in the northern Panhandle.[1] It is difficult to imagine any election less sectional in its character. Each candidate, excepting Lincoln, had a large number of supporters in the western counties, and the heavy vote polled by Breckenridge in the counties of the northwest had its counterpart in the "black belt" of the southeast. Looking at the map of the election of 1860 showing the vote by counties, one not familiar with the situation would be puzzled to discover any foundation for the common belief that West Virginia was strongly anti-slavery. But such was the general opinion in the North at the time, and a great deal of sympathy was wasted upon the free-soil inhabitants of western Virginia. But what had become of the persons who had moved into this section from the North and who had brought with them such decided views upon the slavery question? Where were they at the time when the issue was clearly that of Lincoln, with his well-known views upon slavery, against the other candidates for the presidency, with their varying support of the institution? In western Virginia outside of the northern Panhandle Lincoln was given practically no support, even in those counties where few slaves were held. It may be that the *viva voce* method of voting acted as a deterrent in some slavery strongholds, but this could not have been important. It cannot be emphasized too strongly that

[1] Ambler, "Sectionalism in Virginia," p. 330. Virginia gave Bell a plurality of 319 popular votes over Breckenridge.

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if the result of the election in western Virginia has any meaning at all it means that the people of that section had little more sympathy with the anti-slavery propaganda than had their eastern brethren.[1] It is true that western Virginia had not the same passionate devotion to the institution that eastern Virginia had. Such a thing would not be possible where so few slaves were held. But it cannot be controverted, that, whatever may be the popular opinion to the contrary, the whole state of Virginia from the Ohio River to the Atlantic Ocean and from Pennsylvania and Maryland to Kentucky and North Carolina was pretty well united on the general issues of slavery and states' rights. The differences of opinion that existed in Virginia in 1861 were not national in their character but entirely sectional, brought out at this time principally for the purpose of enabling the people of one small portion of the state lying mainly in the valleys of the Monongahela and the upper Ohio to accomplish something which they believed would benefit their locality and to which they were urged by the Republican leaders in Congress.

Daniel Webster in a Fourth of July oration delivered at Washington in 1851 sounded a note of warning to Trans-Alleghany Virginia. His words on this occasion proclaim the prophet:

"Ye men of western Virginia who occupy the great slope from the top of the Alleghany to the Ohio and

[1] An editorial in the *Kanawha Valley Star*, Aug. 31, 1858, states that there were more abolitionists east of the Blue Ridge than west.

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Kentucky, what course do you propose to yourselves by disunion? If you secede what do you secede from and what do you accede to? Do you look for the current of the Ohio to change and to bring you and your commerce to the tidewaters of the eastern rivers? What man in his senses can suppose that you will remain part and parcel of Virginia a month after Virginia should have ceased to be part and parcel of the United States?" [1]

The truth of this was clearly perceived in 1861 by all but those who willfully blinded themselves to the true state of affairs and who still asserted that when the crisis came "there would be no Alleghanies." Webster's speech was no longer an abstraction. Many times from November, 1860, to May, 1861, did the people of the west ask themselves the very questions which Webster had formulated nine years before. What would become of them if Virginia seceded? The difficulty of their situation appears when we glance at the map, which helps to explain why the western counties were opposed to leaving the Union. They had no desire to see themselves isolated from the southern states and exposed to the mercies of an invading army from the north. The counties bordering on the Ohio and those drained by the upper waters of the Monongahela were so close to Ohio and Pennsylvania that in the event of war they could be overrun by Federal troops in a few days. The largest city in the section, Wheeling, was only sixty-six miles distant from Pittsburgh. Its

[1] *National Intelligencer*, July 5, 1851.

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large manufacturing interests could be destroyed easily forty-eight hours after war was declared. Other Ohio river towns occupied positions only a degree less exposed. Troops concentrating at Pittsburgh could penetrate into the very heart of western Virginia simply by going up the Monongahela River. Passing down the Ohio River they could unite with the forces of Ohio, Indiana, and Illinois and carry the war back into the interior for a hundred miles, either by boat up the Little Kanawha and the Great Kanawha or on foot. Only the southern and southwestern counties could feel any degree of assurance that the war would not immediately bring about an invasion of their region. These counties not only took no real part in the formation of the new state of West Virginia but opposed it as far as they were able.

Thus secession loomed up as a terrible calamity to western Virginia. No one expected the eastern counties to drain their resources in order to defend the west, and the people of the latter section were not so deeply imbued with the wrongs of the South that they could enter into a war with anything resembling enthusiasm. Western leaders made their position known long before the Civil War broke out. They did not desire to emulate the example of the Scotch Highlanders and retreat to the fastnesses of the mountains when attacked. Their cry was, "Let us alone"; and, had it not been for the activities of a small group of persons from the northwest, it is altogether likely that their

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desire to keep aloof from both sides would have resulted in the preservation of the state.

Waitman T. Willey, whose stand on the question of dividing the state was undecided before he was elected to the U. S. Senate, wrote:

"I am for Virginia as she is and was; as our fathers created her . . . one and indivisible. I have deprecated recent manifestations for her dismemberment. Let her be integral forever. But if we are to be dragged into secession or disunion; become a mere outside appendage of a Southern Confederacy, defenseless and exposed as we must be by our geographical position . . . our oppression may become intolerable, and I for one will be ready to accept the only alternative." [1]

A further presentation of the difficulties confronting western Virginia is given in a paper published in the interior of the state:

"Her territory presents such an immense exposed border, should she resolve to join in with the Southern Confederacy, it would be impossible for the people to defend themselves against an invasion from the North. And in such an event eastern Virginia can afford us no assistance; nor can she expect us to leave our homes and come to her aid. The North, we believe, will not invade us if we stand firm where we are, and the east has not the means of compelling us to abandon our defenceless homes." [2]

[1] *National Intelligencer*, Jan. 9, 1861.
[2] *Kingwood Chronicle*, Apr. 27, 1861, quoted in *National Intelligencer*, May 2, 1861.

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An even more graphic description appears in the Wheeling *Intelligencer:* [1]

"We are as powerless as an infant would be in the grasp of Hercules. They could crush us in a day. Cannon planted on the Ohio hills would lay us in ruin. Never did a people occupy a more unenviable position for a hostile collision with their neighbors. Where, in case of collision are we to look for help? From Richmond, away off across the mountains? We might as well look to the moon for help. She will have her hands full and it will keep her busy enough to entertain Jeff Davis's army of occupation. No help there for us. The Secessionists here must remember that Pennsylvania has never yet abandoned her claim to this strip of territory.[2] On the contrary, she has again and again asserted her claim to it. Suppose we were now to set ourselves against the Government. Why, she would have us in a week's time."

A mass meeting at Wellsburg, Brooke County, adopted a resolution against secession on the ground that their section, the northern Panhandle, would be most adversely affected, occupying as it did the most northern point of southern territory and bounded by Ohio and Pennsylvania, "with whom we are so closely connected in social, political, and commercial interests." [3] A New York newspaper pins its faith to West Virginia because it "gravitated by kindred attraction to the north." [4]

[1] Apr. 20, 1861.
[2] Referring to the northern Panhandle, over which Virginia and Pennsylvania had disputed for many years.
[3] Wellsburg *Herald,* Feb. 2, 1861.
[4] New York *Times,* May 1, 1861.

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It is not surprising that when the first distinct mutterings of war were heard, western Virginia was seized with alarm. All her old sectional wrongs came up to her again as the means whereby Virginia might be kept from secession. The only alternative, the disruption of the state, was to be used as the last resort. In the meantime a chorus of protests arose against taking any steps that might lead to civil war. When her cry was unregarded and the trend toward war was clearly perceived, some of the old sectional bitterness was revived. The situation was described as one of confusion, conflict, and strife. "Western Virginia has always been trodden upon by the aristocracy of eastern Virginia in various ways. That most particular is the three fifths representation which has always been and always will be regarded as the very essence of injustice." [1] The writer of this communication shows that western Virginia had 135,000 more whites than eastern Virginia but that out of thirteen members of the national House of Representatives, West Virginia had but five. "So," he continued, "western Virginia is literally ruled by the almighty nigger. The sentiments of western Virginia are different, our customs, our laws are different, and have long called for redress." In an address at Wheeling, May 23, 1860, Francis H. Pierpoint, afterward war governor of the state, claimed that $900,000 a year was lost to the state through the exemption of slaves under twelve from taxation and the under-assessment of those over

[1] Letter to the New York *Herald*, Oct. 5, 1860.

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that age. He asserted that the state debt had been increased from $16,000,000 to $46,000,000 since 1851, all for internal improvements in eastern Virginia. Slaves were taxed ten cents on the hundred dollars and all other property forty cents on the hundred dollars. The income of the slaveholder was not taxed one cent while that of the laborer earning $400 a year was taxed $4.80. Later Pierpoint wrote: "The clerk, machinist, etc., pays $22.80 for the state if his income is $1,100 a year; a slaveholder with nineteen slaves will derive $300 a year from them and pay not one cent for income tax. When the clerk dies or is sick his wages cease but the slaves go down as an inheritance to his children." [1]

Western Virginia was only mildly interested in the great national issue of the day. Caring little about slavery as a social or economic institution, the alleged wrongs of the South caused little concern to the people of this section, although they were far from countenancing the methods of the Northern Abolitionists. The feeling prevailed that if complaint should be made it would be against the domineering actions of the slaveholders of the east rather than against the people of the non-slaveholding states. So far as the loss of slaves through the underground railroad was concerned, western Virginia suffered more, proportionately, than did eastern Virginia. As was stated by one of the western newspapers: "Western Virginia will lose hundreds of slaves while South Carolina would not know the result

[1] Wheeling *Intelligencer*, May 24, 1860.

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of the Northern nullification laws. Western Virginia to the present day has suffered more from the oppressive dictation of her eastern brethren than even the cotton states all put together have suffered from the northern personal liberty laws."[1] A Morgantown newspaper asserted that "the grievances of the people of West Virginia against the state of Virginia are tenfold greater than those of the South against the North." Of $1,147,346.00 raised annually in the state almost nothing was spent in the west; $195,000,000 worth of property was released from taxation in the east; no state-built railroads or canals were to be found west of the Alleghanies. "We have been hewers of wood and drawers of water for eastern Virginia long enough and it is time that section understood it."[2] A letter from Wayne County to the Wheeling *Intelligencer* shows clearly that a certain portion of the people of the west had become opportunists. The division of the state should be insisted upon if a reform in methods of taxation was not adopted at once.[3] The disposition of the western leaders to take advantage of the crisis in Virginia was much deplored in the convention which was later assembled at Richmond, but their action may be palliated because of the fact that they were fighting not only for self-preservation but also for the preservation of the Union.

[1] Clarksburg *Guard*. Quoted in Wheeling *Intelligencer*, Jan. 16, 1861.
[2] Morgantown *Star*. Quoted in Wheeling *Intelligencer*, Jan. 14, 1861.
[3] Wheeling *Intelligencer*, Jan. 16, 1861.

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The east had plenty of warning that local politics would be injected into the Richmond convention, for the newspapers of the east quoted and commented on articles appearing in the western journals serving notice upon the east that if a convention were ever held, *more would be talked about than the question of secession:*

"If a state convention is called, the first question to be settled is the basis of representation. The west will accept nothing but the white basis. The convention must have power to amend the constitution of the state, at least that part which exempts a large portion of the slave property from taxation. If our eastern brethren withhold these rights from the west, it will take 100,000 bayonets from a southern confederacy to force western Virginia into a union with the cotton states. We want all these questions settled before we join partnership with South Carolina." [1]

The inference one would draw from the above is that western Virginia could have been bribed into voting for secession. That such was the case we do not believe. It is possible that some of the delegates to the convention may have given the impression that it would require merely the alteration of the constitution in two particulars to bring the western counties over on the side of secession; but the people of the west would never have sustained this action of their representatives.[2]

[1] The *Alexandrian Gazette,* Marion Co. correspondent. Quoted in *National Intelligencer,* Oct. 24, 1860.

[2] The Richmond *Enquirer* charged that a bargain was being made whereby the east would not press secession if the west

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Throughout the South at this time the feeling existed that any state or portion of states south of the Mason and Dixon line which opposed secession was disloyal. While this sentiment was strongest in the cotton states, there was a considerable element in Virginia that took the same position in reference to the well-known opposition of the west to leaving the Union. Their attitude was that loyalty to the Union was incompatible with the rights and interests of the slaveholding class.[1]

At the opening of 1861 a call was issued for a special session of the legislature. Western Virginia opposed this action, foreseeing that an effort would be made to summon a state convention which might, by ordinance, dissolve the bonds which united Virginia to the Union. This was possible because a convention of the people superseded, for the time being, both legislature and constitution, and its action might be made final without reference to the people who had called it together. It was urged, on the other hand, that Virginia should be allowed to proceed with her plans for disunion, but while that was going on western Virginia could call upon the Federal Government for aid and institute proceedings for a new state.[2] It was the general feeling that the calling of a convention was the first step toward

would drop its demands for a new tax system. The Wheeling *Intelligencer* jeered at the *Enquirer* for its publication of this charge and said that the west would gain both of its objects.

[1] *National Intelligencer*, Jan. 16, 1861.

[2] Wellsburg *Herald*, Dec. 10, 1860.

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secession and that its advocates in the legislature sympathized with the actions of South Carolina.[1]

In the special legislative session of January, 1861, the western representatives took little part in the debate over the calling of a convention. The eastern members were resolved to bring together such a body and the pro-Union members from the west were not strong enough numerically to check such an action. It is a fact that the Assembly was far more inclined toward radical measures than the convention which it summoned; known supporters of the Union were given no hearing,[2] and the bill calling for a convention was put through in all possible haste.

At first there was some sentiment in the northern part of western Virginia favoring the non-election of delegates to represent that section. Such an act would have exhibited the disapproval of the people in a manner not to be misunderstood; then if this warning failed and secession was resolved upon, an opportunity would be given for the formation of a new state.[3] Calmer counsel prevailed, however, and the west elected its full quota of delegates, taking the precaution of sending persons who pledged themselves to oppose secession. In every town of the northwest rousing mass meetings were held in which resolutions were adopted denouncing the eastern Secessionists. Northern newspapers printed letters and dispatches sent by correspondents

[1] Wheeling *Intelligencer*, Dec. 20, 1860.
[2] Senator Caldwell of Wheeling was not assigned to a committee.
[3] Wheeling *Intelligencer*, Jan. 5, 1861.

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or residents of this section, declaring that the whole country was ablaze with Union enthusiasm. It is not surprising that people in the North obtained an erroneous impression of the sentiment of the western Virginians. Newspaper correspondents mistook the anti-secession feeling, which was indeed overwhelming, for a pro-Union feeling which certainly did not exist to the extent they thought. Later, when the pressure of danger was removed, the indifference and the inertia of western Virginia brought upon her many reproaches from the Northerners, who openly declared that they had been deceived into thinking that the people of western Virginia were heart and soul for the Northern cause. At the time when it appeared likely that Virginia would be "hitched to the tail of a cotton confederacy" and the western region of the state would become the rear guard of the South, there were many indications that western Virginia would do all in her power to prevent the United States from being severed in twain. The newspapers of the North were assured that practically no Secessionists could be found in the Trans-Alleghany country, at least north of the Great Kanawha. A writer living in Wood County declared that "for every Secessionist there were one hundred Unionists who would accept a division of the state of Virginia as preferable to the dissolution of the Union." [1] It may fairly be inferred from this that the

[1] *National Intelligencer*, Jan. 9, 1861. My father, Harlan Page McGregor, who lived in Wood County during the Civil War, has always declared that the Secessionists there outnumbered the Unionists three to one.

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Union men of the state were necessarily looking forward to the division of the state only as a last resort. The commonly accepted idea that the western Virginians were only waiting for the opportunity to declare their independence of Virginia is demonstrably false, for if we read between the lines of almost any western resolutions of the time we can see that the disruption of Virginia was not regarded as one of the possible future blessings, but on the contrary was only to be used as a final alternative. Many who apparently favored such a move did so because they thought it would be an effective means of keeping Virginia out of the Southern Confederacy.[1]

Newspapers of the western counties sent their appeal out broadcast, urging the people to assemble in mass meeting and show their disapproval of the actions of the state legislature. In Monongalia County it was asserted that there were not one thousand men out of the twelve thousand voters of that district who were favorable to the secession doctrines. Any act tending toward disunion should be resisted to the death. The following passionate appeal was made to the loyal citizens:

"We call on you people of western Virginia to awake, arise. If you are, like ourselves, poor in purse you can afford to be indifferent, for there is nothing

[1] The declaration of a Grafton newspaper in its first issue is of this variety: "We are for the interests and rights of western Virginia in the state and in the Union if they can be had at the same time; but if they are made to conflict with each other we are for western Virginia in the Union."—*The Western Virginian*, Jan. 6, 1861.

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but your life in danger. But if you are a farm owner your all is in danger and if you do not awake to the importance of your interests and battle for them you will soon find your property confiscated. If you are for the preservation of the Union let it be known. We here warn you to beware the insidious smiles of secession. It commenced as a peaceable lamb and has increased step by step until it has become a monster of power. Again we call upon you to arouse to your interests; to choose whether you shall be for or against your country." [1]

Judging from the many references to be found to the "wolves in sheep's clothing" and the "Judas Iscariots," there must have been more Secessionists in the northwestern counties than is generally believed. That their number was not negligible is shown by the fact that editors were continually castigating their loyal readers for their apathy and were continually warning the people of what would happen if these traitors were not put down. Secessionism was never blatant in the northwest. Its advocates were careful not to let their views become too well known, for in almost every community they were outnumbered, at least before June, 1861. There is a strong probability, furthermore, that they composed for the most part the less substantial class of citizens, those who had no property to lose. But it cannot be emphasized too emphatically that strong supporters of the Southern cause were to be found in every part of western Virginia in

[1] The Morgantown *Star*. Quoted in Wheeling *Intelligencer*, Jan. 9, 1861.

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far greater numbers than one would suspect. The truth of this assertion is attested by the events in western Virginia after the "old state" had seceded—which events are reserved for a later chapter.

In the event of the passage of an ordinance of secession the people west of the Blue Ridge were urged to call a convention "for the purpose of adopting such a course as ought to be pursued, so that West Virginia may secede from eastern Virginia and form a new state in the Union." [1] A letter to the Wheeling *Intelligencer* advised western Virginia to act for herself if the state seceded and promised the aid of the Valley.[2] Pittsburgh papers sent special correspondents through northwestern Virginia for the purpose of ascertaining the drift of public sentiment, and all reported the same thing: West Virginia was resolved to remain in the Union and would not follow the gulf states under any circumstances. It is little wonder that the readers of these journals were surprised and grieved some months later when they learned that it was almost impossible to raise Union troops in those very districts which had been reported to be burning with zeal for the Union.[3]

Not all declarations against secession show the same degree of fervor. Many persons calling themselves Unionists opposed secession because of the certain increase of taxation.[4] A series of resolutions adopted

[1] *Virginia Plaindealer.* Quoted in *National Intelligencer,* Jan. 12, 1861.

[2] Jan. 7, 1861. The writer signed himself "Shenandoah."

[3] Pittsburgh *Chronicle,* May 10, 1861.

[4] Whatever opposition existed to secession south of the Great Kanawha was chiefly on this ground.

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at a mass meeting in Clarksburg shows the practical nature of some of the opposition to secession, which act, it was declared, would be an abandonment by the seceding states of all their rights under the Federal Constitution. Since it could not increase the distance from the non-slaveholding states, these friendly and commercially profitable neighbors would be converted into bitter enemies. The last clause of the resolution is worthy of note: "That it ill-comports with our idea of Southern chivalry and Southern courage to run away before we make an effort to defend ourselves from apprehended danger." [1]

The sentiment of the western slaveholding counties is exhibited in the following resolutions:

"First, that the dismemberment of the Union would entail upon us a longer and blacker train of woes than has ever yet afflicted any people; second, that the trouble has been brought about by the *wanton and wicked fanaticism of the North and the gasconading folly and sinister selfishness of the South;* third, that we recognize the Federal Union within the sphere of its appointed duties and delegated powers as positive, potential, and paramount in its authority over every individual citizen of the nation; fourth, that no state or combination of states can absolve herself from her duty to her co-states under the Constitution; fifth, that as the hasty and precipitate course of South Carolina has been avowedly predicated upon the intention to involve all the slaveholding states in the woes of a civil war, therefore we deprecate her conduct as ill-

[1] Pittsburgh *Chronicle,* Feb. 2, 1861.

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advised, unjust, and disrespectful to her sister states of the South." [1]

Along the Ohio River there was much undisguised sentiment in favor of the formation of a new state. As early as January 7, 1861, before the legislature had assembled, one of the papers of this section came out with the following: "We are for secession at once and let the Blue Ridge Mountains be the line." [2] In the same issue appears a letter declaring that if secession was the only method by which any portion of the American people could secure their rights and if it was one against which there was no argument, then it was applicable to both; or, as it was put in another communication, "If Virginia secedes from the Union the secession of West Virginia from her is a question of time." The people of the west were urged to prepare themselves for the call of a loyal convention which should take "proper measures for forming a new state in the Union, or in other words to be ready to secede from Virginia the very moment that Virginia shall withdraw from the Union . . . believing that the people of West Virginia are hitched by the strong cords of their affection to the Constitution and the Union, and feeling secure under its broad folds will forever defy any such underground engine." [3] With special reference to the Wheeling district, it was asserted that

[1] *National Intelligencer,* Jan. 3, 1861.
[2] *Tyler County Plaindealer.* Quoted in Wheeling *Intelligencer,* Jan. 8, 1861.
[3] Wheeling *Intelligencer,* Jan. 1, 1861.

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the acquiescence of West Virginia in an act of secession would strike a death blow to that section:

"Make us a foreign city to Ohio and Pennsylvania and grass will grow on every street next summer. This will be our condition and it will be the condition of every town and hamlet of West Virginia. In view of this fact is it not time that we gave eastern Virginia to understand that if she goes into a cotton state confederacy she goes alone and without West Virginia? We are as much two people and even more than those living on the two sides of the Alps. If we are not, it follows that eastern Virginia and western Pennsylvania are a united and homogeneous people because the God of Nature made us a part of Pennsylvania, while the surveyor made us a part of Virginia."

Referring to the eastern Virginians the writer says:

"We hardly speak the same language with them. They talk about us as New Virginia and most of them know as little about us as Asiatic Russia knows about European Russia, and there is not near as much sympathy between us. The capital of the state, Richmond, is a far-off place where there is little that is common to us of western Virginia. If secession is pleasing and profitable let her go—without the rest." [1]

The suggestion was made that the northern Panhandle with her population of 48,000 whites, nearly as

[1] Wheeling *Intelligencer*. The Philadelphia *North American* commenting on this says: "As regards Wheeling this is undoubtedly true. The city derives its growth mainly from the adjacent districts of Ohio and Pennsylvania and from the through trade between the free states of the west and the great cities of the east. Let Maryland and Virginia secede and the business of the Baltimore and Ohio will be ruined and Wheeling would mourn in sackcloth and ashes."

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many as the state of Florida, could attach herself to Pennsylvania.[1] At no time, however, does this question seem to have been seriously regarded.

We close this chapter with an excerpt from a letter written by John S. Carlile to the *National Intelligencer* early in 1861: "Dissolve this Union and hitch Virginia to the tail of a Southern Confederacy to stand guard and play patrol for King Cotton! I drop the pen. I cannot contemplate the picture. I turn with horror from such a sight. Oh! for a Jackson to say and make good the saying, 'The Federal Union; it must and shall be preserved.'"[2]

[1] Wellsburg *Herald*, Jan. 10, 1861.
[2] *National Intelligencer*, Jan. 5, 1861.

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CHAPTER VIII

THE PRELIMINARIES OF THE CONVENTION

ANY recital of the secession of Virginia from the Union would be incomplete without some reference to the stirring events of the preceding eighteen months. Only through such a study can we appreciate the situation in which Virginia found herself in 1861, with internal discord as well as external pressure to combat. The latter forced her hand when she was almost ready to assume the rôle of neutral; a small band of Union sympathizers in the west seized the opportunity, secured the aid of the Federal Government, turned a deaf ear to those among them who did not desire to take advantage of the old state's embarrassment—and West Virginia was the result.

We shall first take up some of the significant happenings of the year 1860, passing over the famous raid of John Brown in October, 1859, with the comment that the suspicious, almost captious attitude of Virginia toward the North was partly the result of this hostile incursion. The South felt that Brown was only the tool of more important men; that the Abolitionists had planned the raid as a warning to slaveholders, which was tantamount to declaring war upon slavery. Vir-

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ginia with her exposed border had for years suffered from the activities of the Underground Railroad; in western Virginia it was very difficult for the people to keep slaves, even had they desired to do so. That the people of Virginia were deeply attached to the Union cannot be questioned, but there is just as little doubt that the long-continued attacks upon slavery, an institution recognized but not wholly protected by law, were making a heavy drain upon their patriotism. Considering the great economic importance of slavery to Virginia, it is surprising that the state hesitated so long before seceding from the Federal Union. Its reluctance to do so is a tribute to the natural conservatism that has always been a characteristic of the Old Dominion.

The year 1860 found the people of Virginia in a condition approaching political hysteria. John Brown's raid was still a principal topic of conversation and the gubernatorial contest had increased the excitement. The successful candidate, John Letcher, had been put in the position of endorsing the anti-slavery propaganda and thus received comparatively little support in the east where he carried but two congressional districts.[1] His opponent, William L. Goggin, made the race on a strong pro-slavery, states-rights platform, but disclaimed any thought of breaking up the Union

[1] The *Kanawha Valley Star*, a western paper, attacked Letcher for having endorsed the Ruffner anti-slavery pamphlet. In a letter to the Richmond *South* a short time before the election Letcher reiterated his belief that slavery was a political and social, but not a moral, evil.

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and declared that it must be preserved as long as there was any hope that the rights, property and prerogatives of the South could be preserved. The almost unanimous support given Letcher by western Virginia overcame the large majorities received by Goggin in the slavery strongholds, and the former was elected to a chair which brought its occupant nothing but worry and disappointment. With most of his personal affiliations in the part of the state that afterwards became West Virginia, Letcher as Governor professed to consider it his duty to go along with the old state and share her fortunes.

As far as national political parties were concerned, no great difference in their attitude toward secession may be observed in Virginia. The Whig party still numbered among its adherents some of the most prominent men of the state and as a rule they could be counted as conservatives. One of their leaders, William C. Rives, wrote to a friend late in 1860 that there were no evils of misgovernment or maladministration for which the multiplied defensive resources of the federative system could not in time find an adequate remedy.[1] Similar views were held by scores of men who were compelled to admit a few months later that, admirable as the national system was, it still possessed one fatal defect.

At the Whig opposition convention held in Richmond February, 1860, resolutions were adopted to the effect that the general government had no right to interfere

[1] *National Intelligencer*, Oct. 2, 1860.

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with slavery within the states; that the South intended to stand by the principles laid down in the Compromise of 1850, and that it was to the best interests of the South to abstain from any efforts looking toward the establishment of the foreign slave trade. The convention expressed "an immovable attachment for the Union" and urged all parties to unite in the endeavor to preserve the Union of their fathers.[1]

The Democratic party of Virginia was outwardly only a degree less pronounced in favor of maintaining the Federal Union, so it may be said that nearly all the expressions heard favoring the dissolution of the Union emanated from private sources.[2]

Schemes for a Southern Confederacy which had been fostered by the cotton states under the leadership of South Carolina had always been more or less contingent on the attitude of Virginia, and never was her position of primacy among the Southern states more clearly

[1] *National Intelligencer*, Feb. 24-25, 1860. It is only fair, however, to state that in this convention the sentiment expressed by Robert Scott that "while he loved and venerated the Union he loved Virginia more" was received with general approbation. The feeling against the "Black Republicans" was very bitter in this convention and cropped out on every occasion. The Wheeling *Intelligencer* was reported by the Richmond *Whig*, Feb. 15, as giving an account of the sending of a Republican representative to the convention. The Whig advises him to "stay at home and save his money and his bacon."

[2] In a letter to the Richmond *Enquirer*, Dec. 6, 1860, Secretary of War Floyd expressed himself as follows: "For one, I am not for secession, as long as any honorable effort can be made to preserve the Union on a constitutional basis, guaranteeing equality, justice, and protection of the negro property of the South. . . . The main study of all should be to prevent any collision between the two sections, and most especially the shedding of the first drop of blood."

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shown than in the early part of 1861, when the united cotton states were bending all their energies toward winning Virginia away from her Northern allegiance. In the convention held at Montgomery in May, 1858, her representatives, with the exception of Roger A. Pryor, held aloof from anything that savored of disloyalty to the United States. Pryor, indeed, assured the delegates that Virginia was loyal to the Southern cause, "even the hard-fisted democracy of western Virginia"; but it was just as well that they did not presume upon this loyalty.[1] At a later time William L. Yancey wrote to Pryor that it was no part of their plan to include Virginia in the Southern Confederacy, at least in the beginning. She, together with the other border states, should remain in the Northern Union and nullify any attempt at coercion on the part of the general government.[2]

In the early part of the legislative session of 1860 commissioners from South Carolina appeared before the Assembly of Virginia and urged that body to summon a convention of the people which should take under consideration the question of secession from the Union. The ostensible purpose was to be the preservation of the Union but, as the Richmond *Whig* remarked, no one would be deceived as to the real purpose of the convention. Public sentiment was almost universally

[1] *De Bow's Review*, 1858, Vol. 24, pp. 524-606, covering Montgomery Convention.

[2] *National Intelligencer*, Nov. 28, 1860. Edmund Ruffin of Virginia, in a speech delivered at Columbia, S. C., expressed the same idea, that of making Virginia a buffer state.

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against the proposition and the commissioners went back convinced that it was useless to make any further attempts to "fire the heart of the Virginians."

One of these commissioners, Mr. Memminger, made an exhaustive report of the condition of affairs in Virginia. He was of the opinion that the extent and diversity of Virginia impaired the unity of action and that nothing could be expected from her until the people of the state were more united. Furthermore, he says, most people seemed to think that the rights of the state would yet be secured in the Union and it would be dangerous to assemble a convention at that time.[1] William C. Rives in a letter to the *Whig* asserted that there were too many points of divergence between Virginia and the cotton states to make a union between them either practical or desirable.

"I glance at these things," said he, "that in the Utopia of a Southern Confederacy we should have no more harmony and concord . . . than in the great continental temple dedicated by our fathers to American unity, peace, and freedom. . . . If evils arise from time to time, let us seek a remedy for them within the Union as it is. Let us not upon the sudden appearance of a squall or because one or two of the crew have

[1] The Vicksburg *Whig* commends Virginia for her "wise and patriotic action." The Lynchburg *Virginian* expresses pride that the state was living up to her splendid traditions.

The South Carolinians displayed considerable bitterness toward Virginia after their emissaries had reported the failure of their mission. The Charleston *Mercury* led the attack, and so acrimonious were some of the articles printed in this paper that the Alexandria *Gazette* was forced to warn its Charleston contemporary that a continuation of such abuse would drive many Virginians over to the Union side.

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mutinied desert the good ship Constitution, abandon our comrades, and in a panic betake ourselves to the crazy raft of secession which will conduct us we know not whither." [1]

It is very difficult to arrive at any conclusion as to the general sentiment of the people of Virginia up to the time of Lincoln's election. Outwardly the peace element predominated. Few newspapers were advocating radical measures and the resolutions adopted at the inevitable mass meetings were generally pacific in character. On the other hand, we know that active war preparations were being made in various parts of the state as early as the summer of 1860.[2] These martial demonstrations are really not so significant as one might think at first glance, for the idle men in Virginia (and there were many such) needed but slight excuse to form themselves into military companies, don gay uniforms and parade the streets. Their feeling

[1] *National Intelligencer,* Feb. 13, 1860, quoting Richmond *Whig.* Mr. Rives was such a devoted Union man at this time that it is hard to credit the fact that only a year later he was in Montgomery for the very purpose of hitching Virginia to the "crazy raft of secession."

[2] The editor of the *Christian Banner* wrote June 7, 1860. "The atmosphere, the very element in which we live seems to be pregnant with the spirit of war. . . . The very devil seems to be turned loose among the people. Battalions are being formed all through the South and sublime and costly preparations for war are being made everywhere. . . . Even the little boys in our town . . . have caught the war spirit and formed themselves into military companies and perambulate the streets dressed out in uniforms, with their banners floating before the breeze, their mock drums beating, and their imitation guns on their shoulders. . . . The people seem to be taking it into their heads that there will be war, there must be war, and there shall be war."—Hunnicutt, "The Conspiracy Unveiled, or the Horrors of Secession," p. 22.

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against the North was one of resentment rather than hatred, and certainly not strong enough as yet to inspire them to deeds of arms.

It must be borne in mind, too, that it is impossible to make any statement about Virginia that would be true of all sections. Not all eastern Virginia was a unit by any means. The cities and larger towns seemed to contain the only radical elements of any consequence; county newspapers were a unit, almost, in counseling moderation and it is a fair assumption that they reflected the sentiments of their readers. Across the Alleghany Mountains conditions were so entirely different that it is not easy to remember that trans-Alleghany Virginia was still an integral part of the state. No secession party of any consequence existed in any portion of the west.[1] The recent immigrants from the North were, of course, pronounced in their Union sympathies, while the native western Virginians, not having much at stake, as they thought, at that time displayed an indifference to national questions that could scarcely be found anywhere else in the whole country. The greater part of the section was far removed from the scene of conflict and it is altogether likely that a vast majority of the people were as ignorant of, as they were indifferent to, the great political events of the day.

The presidential campaign of 1860 proved to be one

[1] The *Kanawha Valley Star* was one of the very earliest advocates of secession, but it cannot be shown that this paper had a very large following.

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of the most exciting that Virginia had ever experienced. In addition to the close contest between Bell and Breckenridge, and overshadowing it in importance, was the momentous question: What will be the outcome if Lincoln is elected? As the summer and fall of that year wore away, it became evident to all that the "Black Republican" candidate had the best chance of election and a certain hopelessness is observable in the Union ranks. It was felt that Virginia could no more prevent the dissolution of the Union after Mr. Lincoln's election than she could prevent that election,[1] and this was the prevailing sentiment even among the strongest Union men.

The Secessionist Richmond *Enquirer* averred that nothing could prevent civil war with all its attendant horrors. Any one of the Southern states could involve the whole country in a desolating war and this would doubtless be the outcome. As for the position of Virginia, that would be determined by the votes of a majority of her people and no one could doubt, says this journal, what their decision would be when the honor of the state was in question, although there were many who preferred waiting for some overt act. "But, hitched as she is to the Southern states, she will be dragged into a common destiny with them no matter what may be the desire of the people."[2] This last phrase received much attention from a certain class of Virginians who objected to the allegation that their

[1] The Richmond *Whig*, Sept. 20, 1860.
[2] *Enquirer*, Oct. 2, 1860.

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state could be forced into doing anything against its will. As one paper declared: "Virginia would never be hitched to the Southern Confederacy unless it was by her own free will and consent." [1]

At a Rockingham County mass meeting resolutions were adopted to the effect that

"the allegation that Virginia is so hitched to the Southern states that they can drag her into a common destiny with them no matter what may be the desire of her people is a foul calumny and aspersion on this noble commonwealth and a gross insult to her people; that we believe that nine tenths of the people of this state will be opposed to resisting the general government as long as it may be administered in conformity to the Constitution and the common benefit of all the states; that Virginia owes no duty to the Southern states or any other quarter of the world except to discharge those constitutional obligations resting on her as a member of the Union and which every civilized community owes to every other; and that she has the ability and the resolution to maintain her rights from whatever quarter they may be assailed." [2]

[1] The *Whig*, Oct. 4, 1860.

[2] *National Intelligencer*, Oct. 10, 1860. Not a little of the bitterness against the states farther south arose from the agitation over the reopening of the slave trade which Virginia opposed. The Lynchburg *Virginian* on Oct. 10, 1860, printed a long article showing what would be the effect if restrictions upon this "execrable commerce" were removed. A marked depreciation in the price and value of slaves would undoubtedly follow and this would tell seriously on the fortunes of the state. "But let the two favorite measures of the Southern agitators be adopted, to wit a dissolution of the Union and the reopening of the slave trade and what then? Cannot anybody perceive that with the influx of cheap negroes from Africa to take the place of those that are usually carried from Virginia; with the de-

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The *Enquirer* insisted that it was only pride which kept them from admitting their dependence on the South. After the gulf states had gone out it would be impossible for Virginia to continue in the Northern Union, and in a border state confederacy slavery would have no protection whatsoever, being compelled to run the gauntlet of the Northern Abolitionists on the one hand and the discriminatory acts of the gulf states on the other. The result would be the financial ruin of Virginia and the beginning of a desultory civil war.[1]

Some of the more optimistic expressed the opinion that the election of Lincoln, if accomplished through the division of his opponents, would be a barren victory for the Republicans, since the Democrats at any time could unite and checkmate any move of the anti-slavery men in Congress.[2]

Henry A. Wise in a letter to the Democratic Club of Boston expressed the fear that Black Republicanism was to triumph in the coming election and outlined a course of action which he called "fighting in the Union." Virginia should retain her constitutional relations to the Federal Government, but the latter was to be embarrassed in every possible way. No Federal officers should be allowed to perform their duties, and the state was to throw itself in a defensive position awaiting

mand cut off in that quarter for our surplus and redundant slave population our property would soon become worthless?"

[1] *Enquirer*, Oct. 12, 1860.

[2] The Alexandria *Sentinel* first expressed this idea in an able article appearing Oct. 10, 1860.

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some hostile move on the part of the central authorities.[1]

A great many people thought that the election of Lincoln was a matter of little consequence, war being inevitable anyhow.[2] Said Robert Scott: "I believe in no practicability of establishing upon the ruins of the Union an enduring Southern Confederacy. Between the border states and the gulf states there exist too many diversities of soil, climate, and interests." [3] But even in this unenviable position he saw no escape for Virginia as long as there were such important sectional matters at stake. Since disunion had been decided upon by the "fire-eaters" of the South, it was of no consequence whether Lincoln was elected or not; it would merely serve as a reasonable pretext. The plan was to get Governor Letcher to call a special session of the legislature and by a warlike message stir that body up to rebellion.[4]

The eastern Virginians were warned that the western counties would not be dragged into secession; that nine tenths of the people of western Virginia were in favor of trying the administration of Mr. Lincoln, even though they abhorred his principles. The opportunity was seized to read the east a homily on their duty to the west. On the other side of the Blue Ridge Moun-

[1] Philadelphia *Public Ledger*, Dec. 17, 1860. See below.
[2] This presentiment was probably more general than appears on the surface. Union men disliked to admit that their cause was hopeless.
[3] From a speech delivered at Alexandria, Oct. 10, 1860.
[4] *National Intelligencer*, Oct. 20, 1860.

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tains were the majority of the white population of Virginia; these constituted the bone and sinew of the state, furnished the fighting men in time of war, were ardently devoted to the Union, and would not follow the state leaders in any war upon the Federal Government until that government had actually ceased to be the government of the whole United States. One of the western correspondents, with prophetic foresight, wrote: "It is evident from what I have seen and heard through western Virginia that if John Letcher and the Richmond Junto attempt to drag Virginia into secession—Virginia will be two states before it is finished." [1]

The election of Lincoln came as a bitter blow to the peace-lovers of Virginia for while the event was expected, there still remained the hope that something might happen to bring about the defeat of the "Black Republican" candidate. Immediately upon receipt of the news, the commandant of the state armory left for Washington for the purpose of buying military stores and supplies of all kinds.[2] The fact that this was done so openly leads us to suspect that it was undertaken more as a warning than anything else. There is little reason to doubt that the great body of Virginians still maintained their conservative attitude. Secretary of War Floyd, while affirming his belief in the right of a state to sever its connection with the Federal Government and deploring the election of Lincoln as a na-

[1] From a letter to the *National Intelligencer* signed "Virginian," Oct. 20, 1860.
[2] Philadelphia *Public Ledger*, Nov. 6, 1860.

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tional calamity, counseled Virginia to go very slowly. He believed that some readjustment of national affairs would have to be made, but rested his faith on the powerful influence of the business interests of the country.[1] Senator Hunter of Virginia openly endorsed these views, but doubted if war could be averted after the first drop of blood was shed.[2] John S. Millson in the House of Representatives expressed the idea of a great many Virginians when he declared that it was not a question of Virginia's submitting to Lincoln but of the latter's submitting to Virginia.[3] The press of the state was divided on the issue pretty much according to sections. Western Virginia, having comparatively little to lose from an attack on slavery, was inclined to belittle the importance of the event. The papers of the Valley interpreted it much more seriously, but so far from being willing to give up the Union they were almost unanimously of the opinion that some amicable agreement could yet be reached. The Whig journals fixed the responsibility for Lincoln's election upon the "Breckenridgers under Yancey and the corruptionists under Buchanan."[4] In the east few newspapers advised radical action, although there was little hope that anything could be done to pacify the dissonant sections of the United States. In any case, Virginia should exhibit the wisdom, moderation,

[1] Richmond *Enquirer*, Dec. 6, 1860.
[2] *National Intelligencer*, Dec. 7, 1860.
[3] Congressional *Globe*, Second Session 36th Congress, appendix, p. 77.
[4] Richmond *Whig*, Dec. 1, 1860.

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and patriotism by which she had always been characterized, and should go very slowly in making any alliances.[1]

Only one important daily newspaper urged immediate and decisive action. What good is there, it asks, in attempting to patch up differences that all people should recognize by this time as irreconcilable? If the Virginia authorities wished to act in a manner becoming to the officials of a great state they would at once dispatch commissioners to Maryland and the two states acting together should capture Washington, Old Point Comfort, Harper's Ferry, and the Gosport Navy Yard. "Disunion to all intents and purposes exists. Let each state provide quickly for its own safety." [2]

As is always the case in times of great political excitement, the people came together in mass meetings and gave utterance to their sentiments through the medium of resolutions and memorials. All deplored the election of Lincoln as a terrible misfortune, but few of them held that this in itself constituted sufficient cause for secession. West of the Blue Ridge the feeling seemed to prevail that the safety of Virginia lay in an agreement of some kind with the border states: not necessarily a formal alliance, but some kind of understanding that they should all stand together to resist alike the usurpations of the Northern Union

[1] Alexandria *Gazette*, Dec. 1; Richmond *Examiner*, Dec. 2, 1860.

[2] Richmond *Enquirer*, Dec. 8, 1860.

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and the importunities of the Southern Confederacy.[1] While the people of the large slaveholding counties in the Valley viewed with great alarm the election of a man who had at one time sworn to strike the institution of slavery a blow, their sentiments as expressed by resolutions in mass meetings were far less radical than we should expect considering what they had at stake. At the most they seldom went any further than to advise the calling of a Southern states' convention for the purpose of considering how their rights could be secured in the Union. Occasionally we find a veiled threat such as "in the event of a failure to obtain guarantees . . . we are resolved to adopt in concert with the other states of the South or alone such measures as may seem most expedient to protect the rights and insure the safety of the people of Virginia." [2]

As the year 1860 passed and nothing was done to heal the differences between the sections of the country, there was a pronounced drift toward secession in Virginia. The feeling that war was inevitable prevailed and it became more apparent every day that Virginia could not take a neutral position when the struggle broke out.[3] The radical element grew with great rapidity and no effort was spared to bring about

[1] Resolutions to this effect were adopted in mass meetings held in Bath County, Loudoun County, Albemarle County, Botetourt County, etc.

[2] "Messages and Documents of Virginia." Document No. 14.

[3] As early as Dec. 17, 1860, a dispatch from the Richmond correspondent of the Wheeling *Intelligencer* declared that the general sentiment was that "dissolution could not be avoided, and Virginia must go along with the South."

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a collision with the general government. The people of the east were warned by the loyal newspapers of the "precipitating Disunionists in their midst" and urged to check in every way the progress of the war party.[1] However, the Secessionist minority was strong where the Unionist minority was weak. The former based all their appeals on Virginian pride and Southern homogeneity, while the latter were forced to appeal to a much weaker sentiment—the love of the Union.

The position of Governor Letcher was an unenviable one at this time. Possessing moderate views as to the course which Virginia should take, he was between two fires. Owing his election to his fellow-citizens of the west, and characterized by the eastern slaveholders as one whose principles savored of "Black Republicanism," it is surprising to find him lined up with the leaders of the Secession party and becoming a fairly pliable tool in their hands. His views on states' rights and slavery had changed since the Constitutional Convention of 1850-51 [2] as had his opinion of the "Eastern Junto." In his message to the General Assembly in 1860 we have the first intimation that the Governor's ideas have undergone a transformation. Yancey him-

[1] The Richmond *Whig*, still a Union paper, performed heroic service in its efforts to neutralize the effect of the Secessionist speeches.

[2] Letcher had sat in this convention as a representative from western Virginia and had made himself obnoxious to the eastern leaders. His soubriquet, "Honest John," had been earned when he was in Congress. He had refused to accept the salary increase provided by Congress until the act received the sanction of his constituents.—*Kanawha Valley Star*, Jan. 13, 1857, quoting from the *Weekly Expositor*.

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self could not wax more indignant over the wrongs of the South. The North must give additional guarantees if it expected to preserve the Union intact, and Virginia would not hesitate to resume her sovereign power if her connection with the United States became intolerable.

September 17, 1860, the official organ of the state government announced that a special session of the legislature would be called, the purpose of which was the consideration of the sale of the James River and Kanawha Canal Company to some French capitalists. "Nevertheless," the item continues, "it is possible that the legislature on assembling will find even more serious work to do." [1] No better illustration of the conservatism which prevailed in Virginia at that time could be given than this rather hesitating announcement of the coming special legislative session. Had the people of the state been demanding war, it would not have been necessary to make the attempt to deceive citizens as to the real purpose of the call. Undoubtedly the Secessionist leaders who were responsible for the summoning of the Assembly understood well the sentiment of the majority of the Virginians and did not wish to arouse the suspicions of the Union men. But the proclamation really deceived few and only served to awaken deeper suspicion.

The official notice was sent out by Governor Letcher November 15th and called the General Assembly to meet January 7, 1861.

[1] Richmond *Enquirer*, Sept. 17, 1860.

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Accordingly at the appointed time the Virginia Assembly came together in a session which was to last until after Virginia had taken herself out of the Union. The Governor's message was a peculiar document, lacking in nothing so much as consistency. Starting with the premise that all might yet be well if the "fires of patriotism" could be kindled anew, he advocated the division of the United States into four republics and declared that the Union was already dissolved. South Carolina and Mississippi came in for their share of the general castigation, the reason for which was their precipitancy in leaving the Union without further consulting the border states. While the Governor was of the opinion that the dictum of Lincoln to the effect that the United States could not exist half slave and half free marked him as a dangerous man, yet he would not leave the Northern Union and go into a confederacy with the cotton states until it should appear what they had to offer in the way of guarantees. After the subject of Virginia's grievances has been thoroughly considered, the message goes into a discussion of what might be expected if a state convention should be called. The opinion is expressed that it was unnecessary to provide for such a convention, at that time anyhow, for the legislature could act in any probable contingency. Just why the Governor took this stand is difficult to determine. His love of the Union may still have been strong enough to induce him to hold back from any step which seemed likely to lead to disunion; or, on the other hand, he may have been

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advised that a convention called at that time and controlled by the Valley and Trans-Alleghany members would never take Virginia out of the Union; and the legislature was far more amenable to Secessionist ideas than any convention would be.

From the Federal Government, runs the message, there should be demanded six guarantees before Virginia would even consider remaining in the Union: First, the personal liberty laws must be repealed; second, the institution of slavery in the District of Columbia must be protected; third, the territories of the United States should be thrown open to slavery; fourth, there must be no interference in the transference of slaves from one slave state to another, and the right of transit through free states must be secured; fifth, rigid laws should be passed prohibiting the publication and circulation of literature intending to incite the slaves to insurrection; sixth, no officers known to be hostile to slavery should be appointed to positions in the slave states. Here we have summed up all the grievances which the South had ever complained of, and had Congress been willing to give all the additional guarantees demanded it is probable that there would have been no Civil War in 1861. A close scrutiny of the message reveals the fact that the ostensible reason for calling the legislature together—to consider the sale of the James River and Kanawha Canal bonds—was lost sight of in the discussion of more important issues.[1]

The document under discussion was not the most

[1] "Messages and Documents," No. 1.

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unskillful one that could have been penned. Its author succeeded admirably in taking the middle ground and so framed his recommendations that the legislature could scarcely run counter to them. The Governor advised neither a strong Unionist nor a strong Secessionist policy but believed that the state should throw her fortunes with the side that made the best offer. It is not surprising that the message met with little approbation in either camp. The seceded states were more convinced than ever that Virginia would never pool issues with them, while the Unionists were uncertain whether to consider Letcher their friend or their enemy.

The legislature upon assembling lost no time in getting down to work. Only such matters as demanded instant attention were considered. The report of a committee appointed at the previous session to look into the question of state defenses was listened to with a good deal of interest, as were the reports of the state auditors showing the condition of the finances. Statistics of all kinds poured in, until it seemed that the Assembly must have resolved upon a complete stock-taking.[1]

The first business of any importance to be transacted was the appointment of a Committee on Federal Relations. Out of this grew the Peace Conference which met in Washington February 4th and attracted so much attention. That none of the seceded states

[1] Very few laws were enacted which did not have some bearing upon the war question.

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sent representatives and that the conference failed to accomplish anything was not the fault of Virginia.[1]

January 8th, one day after assembling, the legislature went on record in favor of the right of a state to secede from the Union and denying that the Federal Government could lawfully make war against any state or attempt to force it back again into the Union. There was of course nothing new about this doctrine and almost every state had at one time or another in its history given expression to it; but coming as it did at this time it has a special significance. It paved the way for the adoption of more radical resolutions, such as the one agreed to on January 21st, whereby the legislature declared itself in favor of uniting its destinies with the other Southern states in the event of the failure of all efforts to reconcile the differences between the sections.[2]

While providing for the Peace Conference in Washington, the Assembly also appointed ex-President Tyler and Judge Robertson as Commissioners to the United States and to the Southern Confederacy respectively, with instructions to keep both governments from resorting to active hostilities. It was well understood that they would make every effort to find out what were

[1] "Messages and Documents," No. 13. South Carolina in response to Virginia's invitation declared that she herself had made a similar attempt to save the Union more than a year ago and that Virginia had declined to join her. Now it was too late. Steps had already been taken to form a Southern Confederacy and the states concerned were determined "to secure their permanent independence beyond the reach of any contingency."—"Messages and Documents," No. 32.

[2] Laws of Virginia, 1861, p. 337.

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the intentions of the two governments; whether the North contemplated taking up arms in its effort to bring back the seceded states, and whether the officials at Montgomery were making any active preparations for war. Mr. Tyler learned little, but received the assurance from President Buchanan that the Federal Government would do all in its power to avoid a collision with the South.[1] Judge Robertson was scarcely the man to be sent on the mission to the Confederate states; he was an avowed Secessionist and conducted his negotiations with anything but the impartiality which should characterize an envoy. His notes to the state executives were entirely partisan in character and undoubtedly gave the impression that Virginia had almost decided to join the seceded states. Naturally the legislature got little satisfaction from his report. Georgia and Alabama committed themselves to the extent that they promised to abstain from hostilities for the present, but the other states would give no assurances of any kind.

Nothing definite resulted from Virginia's efforts at peace, but the state lost no prestige, to say the least, because of their failure. From January until April the eyes of the whole country were turned upon Vir-

[1] The peculiar sensitiveness of Virginia is shown in a communication sent by Mr. Tyler to President Buchanan, calling the attention of the latter to the fact that the guns of Fortress Monroe were turned toward Virginia, an action which many people were interpreting as a threat. "When Virginia is making every effort to redeem and save the Union it is seemingly ungracious to have cannons leveled at her bosom." Buchanan promised to look into the matter and remove the cause of offense. —"Messages and Documents," No. 23, p. 15.

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ginia, in the hope that her wise men would yet devise some method of holding together the Federal Union.

From the very first there was a feeling in the legislature that the calling of a state convention was unavoidable. A resolution to this effect passed the House of Delegates by a large majority, but not before the Union men had fought bitterly to have the matter postponed. The question was raised whether the legislature had the power to summon a convention without first submitting the proposition to the voters, as had been the unvarying rule in preceding conventions. It was the prevailing view, however, that affairs were too pressing to go through the accustomed formality, so the precedent was waived. All were impressed with the gravity of the situation.[1] As one member said, "We are standing to-day in the midst of a revolution around the falling columns and broken arches of the mightiest temple ever reared to the genius of Liberty. The vandalism of fanaticism has polluted its altars; the Spirit of Liberty has taken its flight and Ichabod is written on its door-posts. The union of these states

[1] Great excitement prevailed in Richmond while the convention bill was under discussion. Business was almost entirely suspended, while on every corner people gathered to listen to Secessionist speeches. "Apparently there are no Union men in the city," wrote one visitor to Richmond.

A dispatch to the Wheeling *Intelligencer*, Jan. 14, 1861, gives some idea of the existing conditions: "The very air here is charged with the electric thunders of war. In the street, at the Capitol, in the bar-room, at the dinner table, nothing is heard but resistance to the general government and sympathy with the cause of South Carolina. In the legislature, the great aim even among the western members appears to be to hurry things and precipitate a crisis."

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is already dissolved. . . . Great events are on the wing and Virginia is called upon to say what part or lot she will take in this matter. . . . Will she be longer bound to broken covenants and violated compacts with those of Punic—worse than Punic—Puritan faith; or will she . . . take her cause in her own hands relying upon God and her arms? I cannot sing pæans to a Union that is dead." [1]

Not all the members of the legislature took such extreme ground, but the majority recognized that something would have to be done; that Virginia could maintain the *status quo* but little longer, and that in the meantime there was likely to arise a situation which would require immediate attention. So the bill calling for a state convention passed both Senate and House of Delegates by large majorities. February 4th was fixed as the day for the election of delegates, although the conservative members of the legislature protested that not enough time would be given for a canvass.[2] One important point was won by the opposition, however, when they succeeded in foiling an effort of the Secessionists to make the decisions of the convention final without reference to the people. Those opposed to "reference" declared that there was great probability that whatever the convention did would have to be done in a hurry, and if all its actions had to go through the process of a general state vote before

[1] Richmond *Dispatch*, Jan. 9, 1861.

[2] This was the principal point of attack upon the bill by the western papers but they also asserted that the consent of the people should first be obtained before any convention was called.

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becoming effective it would be impossible to provide against any emergency. Furthermore, they declared, the convention will come directly from the people and will reflect their wishes.[1]

By a vote of seventy-seven to sixty-two it was decided to refer the action of the convention to a vote of the people of the state.

The bill as finally passed on January 14th fixed the number of delegates to the convention at one hundred and fifty-two, the electoral districts to be the same as those fixed for the House of Delegates. February 13th was set as the day when the convention should assemble.[2] It cannot justly be said that the bill in question was unfair in any particular. It allowed what was really sufficient time for canvass before the election; it put the final responsibility for whatever should be done upon the people themselves; and by the method of appointment of delegates placed the control of the convention in the hands of the western representatives.[3] But the time had passed when the Valley and the Trans-Alleghany were bound together by the same ties of interest; in the conventions of 1829–30 and 1850–51 all the delegates from the region west of the Blue Ridge were aiming at a common goal —the removal of the restrictions upon suffrage and a more equal distribution of representation. The con-

[1] The *Dispatch*, Jan. 13th.
[2] Laws of Virginia, 1861-62, p. 24.
[3] Seventy-nine of the one hundred and fifty-two delegates were from that portion of Virginia lying west of the Blue Ridge mountains.

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stitution of 1851, by providing for what was practically manhood suffrage, and by rearranging the apportionment of Delegates and Senators in their favor, appeased the people of the Valley and left the Trans-Alleghany alone to fight its battles. In the final analysis slavery was the wedge that pried the two sections apart.[1]

The few weeks preceding the election of February 4th were stirring ones throughout Virginia. The Secessionists spared no effort to have delegates chosen who were pledged to vote for an ordinance of secession, while the moderates endeavored to have the delegates go to the convention untrammeled by pledges of any kind. A great majority of the candidates refused to take a decided stand on the issues of the day, and this was almost universally the case in the Valley and in the central, southern, and eastern counties of what is now the state of West Virginia. In the northwestern counties where the sentiment was overwhelmingly against secession, the candidate who endeavored to straddle had little show of being elected.[2] Thus in Wheeling the successful candidates had pledged themselves to four things: first, that they would vote against an ordinance of secession until the last; second, that they would use their influence in having the laws of the state so modified that slaves would be taxed like all other

[1] The slave population of the Valley in 1860 numbered approximately 300,000, while in the Trans-Alleghany there were fewer than 30,000 slaves.

[2] A candidate of this type in Wheeling, and a very popular man, was rejected because he refused to go on record as being opposed to secession under any and all circumstances.

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property;[1] third, that they would work for the adoption of the white basis of representation; fourth, that in case the convention adopted an ordinance of secession they favored the division of the state.[2] In only a few places, however, were the delegates elected on such an uncompromising basis as this. Even in Richmond, the hotbed of secession, out of the men chosen only one, Mr. Randolph, was an avowed disunionist. The other two took no decided stand, although it was well understood that they could not be classed as "submissionists." John Minor Botts went down to defeat because of his well-known Union proclivities, while William C. Rives, certainly one of the ablest men in the state, suffered the same fate for the same reason, even though he had left a loophole in his platform by declaring that "our rights must be maintained at all hazards and I trust for one I shall be prepared to meet every sacrifice they demand with as calm and collected a heart . . . as the loudest patriot among us."[3]

In practically all the counties the voters could choose from three classes of candidates, namely, avowed Secessionists, avowed Unionists, and those who would "preserve the Union if it could be done with honor." The last reflected the opinion of the great mass of

[1] Slaves under ten years of age were exempt from taxation in Virginia, while those over that age were taxed at a fixed valuation of $300. This was one of the sore points with the West, which held but few slaves.

[2] Wheeling *Intelligencer*, Jan. 22, 1861.

[3] *National Intelligencer*, Jan. 28, 1861. Also the *Christian Advocate* warned the people against such men as Mr. Rives, urging them to be as careful of their selections "as if their eternal salvation depended upon their action."

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people west of the Blue Ridge and south of the Little Kanawha River. East of the Blue Ridge the prevailing sentiment was apparently in favor of secession, although this was not true of all the counties. North of the Little Kanawha in western Virginia, especially along the Ohio River, there was comparatively little trend toward secession at this time. For the native Virginians of this section not possessing slaves the institution of slavery held only an academic interest, while the large number of Northern settlers must necessarily have had a great influence in creating Union sentiment.

February 5th the news was flashed around the country that Virginia had gone for the Union. Dispatches like the following were to be found in nearly every important newspaper: "Sufficient accounts from all parts of the state have been received to warrant me in saying that the Union ticket has swept the state by an immense majority. I doubt if there will be thirty Secessionists in the convention." [1] At first this was the common feeling, even among those to whom the news was unwelcome. The Unionists were exuberant. The *Christian Banner* exults thus: "A thousand guns for the Old Dominion on the result of the late election. . . . Now if she can save the Federal Government and cause the Stars and Stripes to continue floating over our homes, she shall be entitled to 10,000 guns from every prominent town and city in the state." [2] An-

[1] Washington *Star*, Feb. 5, 1861.

[2] Hunnicutt, "The Conspiracy Unveiled or the Horrors of Secession," p. 143.

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other Virginia paper rejoices that Virginia was not "to dance crazily out of the Union to the fiddling of South Carolina." [1] A strong Secessionist paper explains the defeat of its candidates on three grounds: first, the fear of secession; second, the alarm aroused among the foreigners relative to their oath of allegiance; and third, the revival of the remnant of the Douglas party. "As to the cry of secession . . . ," says this journal, "it was altogether unjust. Nobody was for secession *per se*." [2] Editorials appeared in papers all over the country, felicitating Virginia upon her magnificent stand for the Union. It was the general opinion that she had definitely decided to have no dealings with the Southern Confederacy and this was considered equivalent to casting her lot with the North.[3] In the seceded states there was nothing but gloom over the result. A Charleston paper declares that Virginia would never secede now, and even though the convention should pass an ordinance of secession the people would vote it down. The pride felt by the Union press of the state is well illustrated by the following editorial:

"Nothing could be more gratifying to the pride of a true Virginian than the respect which is felt and manifest for the glorious old state all over the country. Her praises come wafted to us upon every breeze. In all places patriotic men rise up to call her blessed.

[1] The Norfolk *Herald,* Feb. 6, 1861.
[2] The Richmond *Dispatch,* Feb. 6, 1861.
[3] This opinion was expressed by the Philadelphia *Press* in an editorial appearing Feb. 6th.

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Everywhere men say, 'Virginia has spoken and her voice is for the Union and peace. She has inspired new hopes. She has given strength to the weak, and stability to those who were almost ready to fall away. She has arrested the mad course of secession and, if truly understood, has shown the North that she will demand her rights in the Union and will never abandon them.' The noble stand she has taken will make her friends all over the North and increase tenfold her ability to secure concessions that will preserve the equality of states."[1]

Such was the character of the articles which appeared in the Union papers of Virginia and little wonder is it that the North was entirely deceived as to the real meaning of the election. A "Union man" was one thing in Virginia and another thing in New England. The Northern conception of a Union man found little place in the South where his prototype, the "Black Republican Submissionist," was scarcely tolerated. The Virginia Unionist opposed secession save as a last resort. He would play the rôle of neutral as long as possible, and when this position became untenable he believed that the state should either join the states which were already out of the Union or form a border-state confederacy.[2]

After the first flush of enthusiasm over the February election had died away, a reaction set in and many people began to ask whether they had not misinterpreted the meaning of the election. A Union paper of

[1] *The Virginian,* Feb. 6, 1861.

[2] This was the favorite plan of Governor Letcher, who was described as the happiest man in the state over the election.

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Richmond issued a warning to the Northerners not to deceive themselves into thinking that Virginia would allow matters to remain *in statu quo;* that she was going to submit to the new dynasty if it attempted to carry out the Chicago program. On the contrary, she had determined to end her connection with the North unless satisfactory and inviolable assurances were given that every constitutional right would be maintained.[1] A dispatch was printed in a Philadelphia paper cautioning the North not to misunderstand the significance of the word Union.[2] The real meaning is thus explained by a Secessionist paper:

"The term Union by which the delegates-elect are designated is calculated to convey a very erroneous impression of the character of the convention. More than two thirds of the convention are resistants, who are restrained from advocating immediate resistance by a desire to unite the whole people of Virginia. Some of these gentlemen are designated as Union, because elected over gentlemen who desire immediate secession without any effort at adjustment. The submissionists have met with a defeat signal and overwhelming in Virginia. Resistance has triumphed in Virginia and unless a speedy adjustment is effected and the seceded states induced to return, Virginia will strike an effective blow before the 4th of March." [3]

The opinion was offered that there was no real difference between the Unionists and the Secessionists;

[1] *The Whig,* Feb. 11, 1861.
[2] The *Public Ledger,* Feb. 6, 1861.
[3] Richmond *Enquirer,* Feb. 6, 1861.

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both agreed that guarantees must be given to the South and the only disagreement was the time which should elapse before decided action was taken.[1] In the light of later events we must pronounce this explanation to be substantially correct, so far at least as the eastern delegates were concerned.

In the national House of Representatives the Virginia delegation endeavored to correct the false impression that was spread abroad concerning the personnel of the coming convention. Daniel Sickles of New York had declared that "Virginia has spoken and said to this demon of anarchy, 'thus far shalt thou go and no farther.'" Mr. De Jarnette took it upon himself to undeceive those who held this view. Virginia's liberty and sovereignty must be preserved, he said, "or every sword will leap from its scabbard and flash defiance to a world in arms. There are no 'submissionists' there; do not, I implore you, suppose that Virginia will submit to oppression. . . . She has called her young men and her old men together around her council board. They have left their swords at home because their presence sometimes engenders strife. They want peace not war; but if you do not acknowledge the sovereignty of Virginia and the equality of her people you will find them on the war path." [2] Another Virginia Representative, Mr. Leake, asserted that his state had gone for secession one hundred and twenty to thirty unless guarantees were given her before March

[1] Richmond *Dispatch*, Feb. 7, 1861.
[2] *Ibid.*, Feb. 15, 1861.

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4th. She had solemnly determined that she would never submit to the Union as it was now constituted.[1] William C. Rives, whose devotion to the Union cause cannot be questioned, was forced to acknowledge that this agreed with his own diagnosis of the situation and added that the election of so many delegates with conservative views merely postponed for a time what was inevitable—secession.[2] Mr. Harris on the floor of the House, in a speech full of protestation of love for the Union, closed with these significant words: "My own state, Virginia, has elected her delegates to deliberate upon her welfare and her destiny; and while her action may be against my judgment, yet when it is taken her lot becomes my lot; her fate my fate; her destiny my destiny. Her will not mine be done."[3]

[1] Richmond *Dispatch*, Feb. 15, 1861.

[2] Pittsburgh *Chronicle*, Feb. 7, 1861.

[3] *Congressional Globe;* 36th Congress, 2nd Session; Appendix, p. 76 *et seq.*

January 24th the Virginia Representatives in Congress issued the following "Address to the People of Virginia": "At the beginning of this session, now more than half over, committees were appointed in both Houses of Congress to consider the state of the Union. Neither committee has been able to agree upon any mode of settlement of the pending issues between the North and the South. The Republican members in both committees rejected propositions acknowledging the right of property in slaves or recommending the division of the territories between the slaveholding and the non-slaveholding states by a geographical line. In the Senate the propositions commonly known as Mr. Crittenden's were voted against by every Republican Senator. A resolution giving a pledge to sustain the President in the use of force against seceded states was adopted in the House by a large majority and in the Senate every Republican voted to substitute for Mr. Crittenden's propositions resolutions offered by Mr. Clarke of New Hampshire declaring that no new concessions, guarantees, or amendments to the Constitution were necessary; that the demands of the

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In spite of the attempts of those who were familiar with the situation to correct the false impressions regarding the real meaning of the February election the general public would not be undeceived, preferring to believe what they wished to believe. This has been unfortunate for Virginia. The almost universal opinion was, and is, that the majority of delegates went to Richmond strong Union men and, through the force of exterior pressure "turned traitor" and voted Virginia out of the Union against the wishes of the majority of her people. No opinion could be more erroneous than this, for, leaving out of consideration the northwestern delegates, there was scarcely a man who came to the convention resolved to remain in the Union even at the hazard of being compelled to fight the South. The thought of leaving a Union in which Virginia had played such a conspicuous and glorious part was al-

South were unreasonable and the remedy for the present danger was simply to enforce the law . . . in other words, coercion and war. In this state of facts our duty is to warn you that it is in vain for you to hope for any measures of conciliation or adjustment from Congress which you could accept. We are satisfied that the Republican party designs by civil war alone to coerce the Southern states under the pretext of enforcing the laws, unless it shall become speedily apparent that the seceding states are so numerous, determined and united as to make such attempt hopeless. . . . We have thus placed before you the facts and conclusions which have become manifest to us from this point of observation where you have placed us. There is nothing to be hoped from Congress; the remedy is with you alone when you assemble in sovereign Convention. We conclude by expressing our solemn conviction that prompt and decided action by the people of Virginia in Convention will afford the surest means, under the providence of God, of averting an impending civil war and preserving the hope of reconstructing the Union already dissolved."—Richmond *Dispatch*, Jan. 25, 1861.

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most unbearable, but the idea of turning their arms against their sister states of the South was altogether unthinkable. Any reference to such men as traitors displays a bias that was common a half century ago and is not altogether unknown to-day.

An analysis of the one hundred and fifty-two delegates chosen reveals the fact that eighty of them had voted for Bell, thirty-five for Douglas, and thirty-two for Breckenridge in the last presidential election.[1] Where the remaining five delegates stood is not known. However, in the convention all party alignments were shattered. In the Union ranks were to be found Breckenridge men just as it is true that Bell and Douglas men voted consistently for secession. Halifax, the largest slaveholding county in the state, which had given a decided majority for Breckenridge the preceding November, elected a conservative Union man to the convention.[2] Hancock County, with only two slaves, had returned a Union delegate by a majority of only eleven votes.[3] While these may have been exceptional cases, it yet remains true that in choosing their representatives to Richmond the people had had more regard to personality than to platform, probably because their own ideas at that time were undecided and they preferred leaving the definite settlement of the issues to the judgment of their representatives. The greater number of delegates came to the convention

[1] Granville Hall, "The Rending of Virginia," p. 142.
[2] Philadelphia *Public Ledger*, Feb. 6, 1861.
[3] Wheeling *Intelligencer*, Feb. 6, 1861.

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free to vote as their judgment dictated. A popular estimate seemed to be that one fourth favored immediate secession; one fourth would not vote for secession under any conditions; and the remainder took the middle ground, preferring to wait for further developments before taking a decided stand. However, the estimates varied according to the sympathies of those who made them, and it may truly be affirmed that when the convention first assembled there was no one who could do more than approximate how the delegates would be lined up. It is altogether likely that for the first few weeks the delegates themselves would not have been able to tell how they were going to vote when the time came to make a final decision.

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CHAPTER IX

THE VIRGINIA CONVENTION OF 1861

When the Virginia Convention assembled in Richmond on February 13, 1861, the affairs of the nation were at a crisis. Seven states had formally withdrawn from the Union, while the Buchanan administration looked idly on. The President had proved his inability or his indisposition to meet the situation, and had resolved to turn over the burden to the incoming administration. The seceded states were importuning Virginia to act, urging that she held the fate of the new republic in the hollow of her hands. Virginia orators had been going through the South, giving that section the impression that their state was seething with the fire of rebellion and needed but to hear the roar of cannon and smell the smoke of gunpowder to transform her into an active belligerent. Roger A. Pryor and his kind did not scruple to incite the seceded states to some hostile action against the Federal Government, promising that its effect would be sufficient to detach Virginia from the North.[1] Both North and South,

[1] Mrs. Roger A. Pryor, "Reminiscences of Peace and War," p. 120.

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while watching the progress of the Virginia Convention, labored under a misapprehension regarding the true condition of affairs. Virginia at this time inclined neither toward the North nor the South.

An added interest was given to the affairs in Virginia from the fact that the border states would be influenced in no small degree by what she did. It was believed that Virginia's decision would carry sufficient weight to hold the wavering states in the Union if Virginia should decide upon this course of action. Union sentiment in Maryland, North Carolina, Tennessee,[1] Kentucky, and Missouri was fully as strong as it was in Virginia, but needed to be bolstered up. Thus if Virginia refused to join the Southern Confederacy a powerful impetus would be given the Union cause; one that might be sufficient to prevent civil war and restore the Union intact.

Richmond was not precisely the best place that could have been selected for holding a convention of this kind. The presence of a strong and vociferous Secessionist party created a difficult situation for those of the delegates who were opposed to disunion, especially for the uncompromising Unionists.

Of the one hundred and fifty-two delegates elected to this convention only a few were men with national reputations. Ex-President Tyler was there part of the time and lifted up his voice for secession. Henry

[1] The counties of East Tennessee gave a majority of 18,300 for remaining in the Union. It was alleged that the votes of the soldiers in the camps carried the state over to the Southern Confederacy.—"Parson Brownlow's Book," p. 223.

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A. Wise, ex-Governor of the state,[1] Lewis E. Harvie, Robert L. Montague, and George Randolph were distinguished leaders of the same side. Upholding the Union cause were George W. Summers, John S. Carlile, Sherrard Clemens, and Waitman T. Willey from the Trans-Alleghany; and Jubal A. Early, Alexander H. H. Stuart, John Janney, John B. Baldwin, William Ballard Preston, and Samuel McD. Moore from the Valley. Nearly all the men above mentioned were agreed on two things, namely, the right of a state to secede from the Union, and the righteousness of the institution of slavery.[2] The difference between the factions was not one of articles of faith, but of what constituted expediency. It was not, Have we the right to secede? but, Is it to our best interests to secede?

The first skirmish in the convention took place in the election of a President. Mr. Janney, the Union candidate, defeated Mr. Southall, an avowed Secessionist, by a vote of seventy to fifty-four. Too much significance was attached to this result, however. It was taken by Union sympathizers as a confirmation of their belief that they controlled the convention; but a

[1] Governor Wise had been very unpopular in certain sections of the state, owing to his earlier Union policy and his scathing denunciations of the Democratic party. In a speech at Norfolk Sept. 27, 1860, he declared that press and politicians were crying, "Crucify him!" "Thank God, fellow citizens, I am at least alive to tell the tale."—*National Intelligencer*, Oct. 1, 1860.

[2] Mr. Carlile and Mr. Willey later changed their minds as to states' rights but not until they were engaged in the process of making a new state out of western Virginia when to have admitted the right of a state to secede would have rendered their own position untenable.

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closer scrutiny will show that Mr. Southall's fifty-four votes represented a distinct party, while the seventy votes Mr. Janney received were given by men who had but one thing in common, namely, the prevention of hasty action.

President Janney's address was rather colorless but perhaps all the better suited to the occasion. He reviewed briefly the reasons which caused the General Assembly to call the convention together; disclaimed any idea of advising them upon the course of proceedings they should follow, but warned them that a tremendous responsibility was resting upon them—a responsibility that could not be shifted. His closing words were disquieting to both radical factions:

"Gentlemen, there is a flag which for nearly a century has been borne in triumph through the battle and the breeze and which now floats over this Capitol, on which there is a star representing this ancient commonwealth; and my earnest prayer . . . is that it may remain there forever, provided always that its luster is untarnished. . . .[1] Is it too much to hope that we and others who are engaged in the work of peace and conciliation may so solve the problems which now perplex us as to win back our sisters of the South who, for what they deem sufficient cause, have wandered from their orbits? May we not expect that our old sister state Massachusetts will retrace her steps? . . . Will she not when she remembers who it was who first drew his sword from his scabbard on her soil at Cambridge and never finally returned it until her liberty and in-

[1] The correspondent of the Wheeling *Intelligencer* reports that the only applause Mr. Janney received was at this point.

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dependence were achieved . . . repeal her obnoxious laws, which many of her wisest citizens regard a stain upon her legislative record? Gentlemen, this is no party convention. It is our duty on an occasion like this to elevate ourselves into an atmosphere in which party passion and prejudice cannot exist; to conduct all our deliberations with calmness and wisdom and to maintain with inflexible firmness whatever position we may find it necessary to assume." [1]

February 16th a Committee on Federal Relations was appointed consisting of twenty-one members. Ten of these were known to be Secessionists, while the remaining eleven held every variety of opinion. Only four were from the Trans-Alleghany and none of these held very decided Union views.

A flood of resolutions began to pour in, representing all shades of belief. One offered by Mr. Morton may be given as showing the position taken by the moderates:

"Resolved, That the people of Virginia . . . do solemnly declare that she will not submit to the coercion of the seceded states, upon the pretext of the enforcement of the laws of the United States or upon any pretext whatever. That she solemnly protests against the use of the standing army and navy of the United States by the general government, and the concentration of troops at the Federal metropolis and at various

[1] Journal of the Convention, pp. 9-10.
The Richmond papers attacked Janney's speech for its non-committal tone, while all confessed their inability to determine just what was meant by the last sentence. The Union men openly expressed the belief that they had been deceived in their man.

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forts, arsenals, etc., to coerce any state or states now out of the Union. That this commonwealth desires ardently to restore the Federal Union and to preserve it upon terms of safety and honor to all its members; but if the efforts now being made for that purpose [1] prove unavailing she will not hesitate to unite herself with her sister states of the South." [2]

"Coercion" was the bugaboo of every true Virginian. Firm in his doctrine of states' rights, he denied that the Federal authorities could employ force to carry out the Federal laws. High-spirited to the point of touchiness, and keyed up by the excitement of the hour, he looked for offense where none was offered. At any time while the convention was in session the advent of a Union army upon the soil of Virginia would have set the state ablaze and thrown it into the arms of the Southern Confederacy within twenty-four hours.

On the 16th the first real passage of arms occurred when Henry A. Wise and Samuel McD. Moore engaged in a verbal battle. The latter, in a discussion of the general policy which the state should pursue, declared with much emphasis that he was opposed both to running away from the Yankees and to being dragged into the personally conducted Confederacy of South Carolina. The dignity of Virginia demanded that she should pursue her own way regardless of outside pressure. Mr. Wise retorted that there would be no "dragging," and when the time came for Virginia to secede

[1] Referring to the Peace Conference, then holding its sessions in Washington.
[2] Journal, p. 45.

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she would take that step regardless of North and South. Mr. Carlile interjected the remark that the only talk of coercion he had heard of came from a member of the Alabama Convention who had said that if the people did not vote to secede they should be forced into it. He offered a resolution that since the decision in the case of Chisholm vs. Georgia and the adoption of the Eleventh Amendment to the United States Constitution, they were at a loss to understand how the impression was obtained that the Federal Government possessed the power to coerce a state.[1]

Monday, February 18th, the Convention, in accordance with a request of the Governor's, listened to addresses by special commissioners from Georgia, Mississippi, and South Carolina. This was the first of a series of attempts to fire the hearts of the delegates and constituted a mode of attack which the Unionists were unable to meet. It may easily be calculated how much effect the "Yancey" orations delivered by the Southern Commissioners had upon the wavering delegates. Said Mr. Preston of South Carolina:

"Scarcely had the decree of our subjection been carried to their ears on the Northern breeze when, as if from the very caverns of the earth, was heard the voice of the people of South Carolina shouting back, 'Resistance to the death!' The legislature caught up that spirit and with one voice only ordained, 'Resistance to the death!' The people of the state in sovereign counsel, as you are now, with one voice . . . ordained 'Resistance to the death!' And now there is not in the

[1] Richmond *Dispatch*, Feb. 18, 1861.

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borders of that little state a man found from sixteen to sixty who is not armed and ready for 'Resistance to the death.' We are very small; we are very weak; but if now or in after time that fiery storm shall fall and consume us; if the pilgrim of liberty from the land shall search beneath the ruins of Charleston he shall find there the sentinel standing at the sea-gate." [1]

Mr. Anderson of Mississippi devoted his time to an exposition of the needs of the South and the benefits which would accrue to the new Confederacy if Virginia should join issue with them. She was still looked up to as the leader of the South and no one doubted what her choice would be when the crisis came. "Her sons will bear the banner of the South aloft and their blood will enrich every field in defence of her honor and sacred rights. (Wild applause.) The destiny of the South Virginia now holds in her hands. Let Virginia take her stand by her Southern sisters and the Revolution will be a peaceful one."

The Georgia Commissioner was more defiant and decidedly more independent. He asserted that while it was true that the Southern Confederacy needed the help of the Old Dominion and was confidently counting on her help, it was also true that Virginia would need the aid of the other Southern states before a great while. But even if Virginia should decline to leave the Northern Union the cause of the South was by no means hopeless.[2]

[1] Richmond *Dispatch*, Feb. 19, 1861.
[2] *Ibid.*

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That the effect of these speeches was great cannot be disputed. Virginia pride was flattered at the opportunity thus offered of regaining lost prestige. Appeals to Southern homogeneity have seldom been in vain and certainly in this case the martial ardor of the Virginians was kindled. The Union men in the convention complained, very justly it would seem, that they were placed at a great disadvantage. Already compelled to brave the displeasure of a hostile gallery,[1] they were forced to remain quiet while studied efforts were being made to prevent the convention from considering the questions before it with calmness and deliberation.[2]

There was a great deal of discussion of the probable action of the other border states and many schemes were submitted having for their object the formation of a border-state confederacy. The Trans-Alleghany delegates, at least those from the northwestern counties,[3] put themselves in opposition to any plan of separation from the Union, and the ardent Secessionists

[1] Very early in the convention it became evident that the Union men were in a hostile country. The galleries were filled every day with ardent Secessionists, who never failed to vent their displeasure on anyone who spoke in opposition to secession. On the third day the spectators became so enthusiastic in their approval of the speeches advocating immediate secession and so pronounced in their hostility to the men who spoke against it that Mr. Carlile asked to have the galleries cleared. Even though his motion did not include the ladies' gallery, there arose such a storm of protest that he was forced to withdraw his motion.—The *Dispatch*, Feb. 18, 1861.

[2] A resolution prevailed to print and distribute 10,000 copies of the addresses of the Southern Commissioners.

[3] L. S. Hall of Wetzel County was the only delegate from the extreme northwest who favored secession. Very early in the session he introduced a series of resolutions affirming the right of Virginia to secede, and declaring that, while the elec-

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were not satisfied with anything less than a union with the Confederacy, but the real Conservatives, despairing of obtaining any redress from the North, often turned to their neighbors who, like themselves, were neither altogether of the North nor altogether of the South, in the hope that some united action might be found feasible. On February 20th the Committee on Federal Relations was asked to consider the advisability of calling a border-state convention, but action was deferred for a time.

It was now suggested that the convention should interrogate the Virginia Peace Commissioners at Washington as to the progress of their deliberations and request from them an opinion as to the possibility of their arriving at some definite agreement. The Union men saw at once what the effect of this would be. All knew that the Peace Conference was a failure. When this fact was reported to the convention, the Secessionists would at once seize the opportunity to point out the futility of any further negotiations with the North; even though it did not result in the passage of an ordinance of secession at once, their hands would be strengthened after it became apparent that no compromise could be reached. The motion failed.

Secession gained headway on the 23rd when a resolution was adopted whereby a committee was to be appointed to discover whether any movement of arms and

tion of Lincoln was not in itself sufficient cause for secession, yet the state would consider itself justified in leaving the Federal Union unless guarantees were given.

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men had been made by the North indicating that an attack was contemplated. The resolution itself was comparatively unimportant; its significance lies in the fact that it had been offered before on the 20th and rejected by a vote of seventy-eight to sixty-one.

Mr. Moore of Rockbridge County, ever careless of the disapproval of the galleries, now made a sensational attack on South Carolina, condemning that state for its precipitancy in leaving the Union and asserting that it had been responsible for the election of Lincoln. He introduced a series of resolutions to the effect that Virginia would never join any confederacy where the slave trade was not prohibited and which did not provide for the support of the general government by some other means than direct taxation.[1] Mr. Goode replied to Mr. Moore and so eloquently did he defend the course of South Carolina and uphold the Southern cause that

[1] Mr. Moore was already a marked man in the convention. A few days previously he had given offense to the Secessionists by frankly avowing his intention to oppose at all times any plan designed to take Virginia out of the Union. In the evening a mass meeting of the citizens was called and a descent was made upon the American Hotel where Mr. Moore was staying. The crowd, fortunately, resorted only to groans and hisses.—The *Dispatch,* Feb. 20th.

The second time he appeared on the floor of the convention as an opponent of disunion the spectators would not allow him to proceed and the galleries had to be cleared. The Richmond *Dispatch,* commenting on this, declared that the action was unnecessary; "that the people who frequented the convention hall were in marked contrast to the disorderly mob that packed the Northern capitols."

Mr. Burdette of Taylor County evidently did not agree with this, for he offered a resolution that the convention adjourn to Staunton or some other city where their deliberations would not be interrupted by packed galleries. His proposition was rejected contemptuously.

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the galleries became uncontrollable and had to be cleared. He declared that there was only one question for the convention to consider and that was whether they were to go with the North or with the South. No middle way was now open to them, since it had become evident to all that the Federal authorities were making preparations to force the seceded states back into the Union. Unless Virginia at once dissolved her connection with the North, she would be put in the position of supporting the coercive policy of that section.[1] Mr. Goggin of Bedford County argued that Virginia had everything to gain by playing a waiting game. She could not be forced into raising troops for the Northern army and thus a continuance of the present relations for a time at least would be wiser than to rush into an agreement with the Confederacy, especially when it had not yet proved its stability. Mr. Sheffey, representing the southwestern section of the state, brought forward the view that the personal liberty laws of the North and the acts of secession of the South were equally unconstitutional. "But," said he, "when a state has once seceded there is no way by which it may be brought back again into the Union against its wishes."[2]

On March 1st two new resolutions were introduced and referred to the Committee on Federal Relations. One provided that the people of the state should be given the opportunity of choosing between the North and the South; while the other was designed to recog-

[1] The *Dispatch*, Feb. 25, 1861.
[2] *Ibid.*

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nize, officially, the Southern Confederacy. If the first had been adopted and the plan carried out there is little doubt what the result would have been. Virginia would never have decided for the North as against the South at any time, but this was especially true now when Southern spirit was running so high.

In support of secession Mr. Morton of Orange County declared that Virginia could not be safe with a "Black Republican" President. All the Federal offices of the South would be filled with men who were hostile to Southern institutions and their every action would be inimical to the interests of the South. Secession was the only remedy. Thus far, he declared, Virginia's procedure had been one of timidity and vacillation, in humiliating contrast with the decisive firmness of South Carolina. The speaker put the responsibility for the present crisis upon William H. Seward and said that he (Morton) had told Mr. Seward as much, threatening at the same time to take it out of him personally.[1]

That the personal liberty laws were state, not national, laws was the point argued by Mr. Baylor of Augusta County. The Federal Government should not be blamed for the action of the states. The very central idea of the Secessionists was that the states could not be forced into doing anything they did not wish to do by the Federal authorities. In the case just cited they were helpless. Secession, said Mr. Baylor, is not

[1] The *Dispatch*, March 2, 1861. The hostility of Virginians toward Governor Seward was equaled in intensity only by their dislike of Lincoln. See speeches of Virginia representatives in 37th Congress, 2nd session.

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constitutional and can be resorted to only as an act of revolution.[1]

On March 2nd Mr. Turner of Jackson County threw a bomb into the Secessionist camp by asking for the appointment of a committee to consider the matter of so amending the constitution of the state as to provide for the taxation of slaves on the same basis as other property. This was the trump card of the western opponents of secession. By resurrecting old sectional disputes, they hoped to divert the attention of the convention away from the question which they had been called to consider, or at any rate to make it clear that they would never consent to a union with the Southern Confederacy while the grievances of the west remained unredressed. A division of the state was hinted at, in case an ordinance of secession was passed against the wishes of the western delegates.[2] While the proposition

[1] The *Dispatch*, March 2, 1861.

[2] The New York *Tribune* taunted the Secessionist leaders in the convention with their inability to unite the various factions, particularly the Union party of the West, and asked what they would do if the West applied the doctrine of secession to her own case and tried to form a new state. The Richmond *Dispatch*, in reply, passed over the assumption that counties and districts bore the same relation to the state that the state did to the Federal Union, and declared that while it was convinced that the western counties, with a few exceptions, were loyal to the state, yet if the reverse should prove to be the case so devoted was Virginia to the doctrine of individual rights that no opposition would be offered to any attempt at the division of the state. "If western Virginia wanted to secede from Virginia, eastern Virginia would neither seek nor desire to coerce her to remain; nor do we believe that if eastern Virginia should wish a division western Virginia would employ coercion toward the East. When the consent of the governed is withdrawn from this government, it claims and will exercise no other power."

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was quickly rejected, it was destined to cause the Secessionists many uneasy moments.

March 3rd was taken up with the discussion of the work of the Peace Conference. None of the speakers expressed any hope that an agreement would be reached, but all congratulated Virginia upon her efforts to bring about a peaceful settlement. It seemed to be the general opinion that the Northern Abolitionists, although a small minority, had been powerful enough to checkmate any move which had for its aim the conciliation of the South. If the United States was cut in twain they could thank themselves for it. In any event, Virginia could now proceed to consider her own affairs with a clear conscience.[1]

The Inauguration Day session was a stormy one. The thought that their country was installing into office the man whom they considered their bitterest enemy provoked the Secessionists into uttering the most radical statements that had yet been heard on the floor of the convention. The trouble began when Mr. Chambless introduced a series of resolutions the object of which was to provide for immediate secession. Now that the Union was destroyed, Virginia should lose no time in getting from beneath the ruins. Mr. Carlile replied for the Union men:

"It is exceedingly fortunate for the gentleman from Greenville, exceedingly fortunate, for the people of the state and for all posterity that he has not his way to-day. This firing process has been going on now for

[1] The *Dispatch*, March 4, 1861.

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months. It is resorted to day after day in this convention to effect, if possible, the purposes of gentlemen who seem to have a perfect contempt for the will of the people. In what state that has passed an ordinance of secession have the people spoken or been heard? Wherever they have been allowed to speak, whether upon the soil of our native Virginia or upon that of her daughter, Kentucky, or upon that of gallant Tennessee, they have spoken in terms not to be misunderstood of their indisposition to be dragged into this movement to destroy their own fair, free government. And the time has come when this firing process should be met and promptly met, and while I have a voice to raise or an arm to lift if no one else will meet it I will attempt it." [1]

[1] From documents in possession of Carlile's daughter, who has very kindly permitted the author to use them.

The Secessionists recognized in Carlile a dangerous enemy, possibly the only man from the west they need fear much. Mr. Willey was as able a man, but his "trimming" propensities detracted from the effect his excellently prepared speeches would otherwise have had. The Richmond *Enquirer* singled Carlile out as its special object of attack and devoted many columns to this purpose. The following appeared the day after Carlile had made his first Union speech: "When a politician stands before the Convention of Virginia's sovereignty to justify the coercive threats of Abraham Lincoln; to declare that Southern rights have suffered no injury from Northern aggression; sneeringly and without warrant to impute to Virginia's weakness the accidental fact that 'fourteen Federal marines took John Brown out of the engine-house at Harper's Ferry' we recognize him only as a 'Black Republican,' as an enemy against whom we warn the true men of Virginia. He has dealt unsparingly in epithets. He has denounced the people of South Carolina as 'rebels' and the people of Louisiana as 'thieves.' Let him calmly consider whether his open defense of 'Black Republican' coercion does or does not constitute treason."

Carlile made reply a few days later in the convention and defied the *Enquirer* to do its worst.

That Carlile had some support in Richmond is shown by the fact that the *National Intelligencer*, Mch. 29, told of the presentation to Carlile of a testimonial from the "ladies of Richmond."

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Mr. Willey gave evidence of being in sympathy with his colleague's views by addressing the convention in support of the same side. He began with a review of secession and attacked the doctrine not from the constitutional viewpoint but from the practical side. The election of Lincoln following the refusal of the Northern states to repeal their personal liberty laws was a real grievance, but there was no certainty that Virginia would be better out of the Union than in it. The possible evils were greater than the ones they were now facing. Speaking as a citizen of the northwest, his reasons for opposing disunion were especially good ones. In the event of war that section would be absolutely helpless in the face of a Union army. Bordered by the great states of Ohio and Pennsylvania, a hostile army could be thrown into western Virginia within twenty-four hours and in less than twice that time the whole section could be overrun. No help could be expected from the East, said Mr. Willey, for the people there would have their own homes to defend. Secession would bring a train of woes upon the state such as it had never known before.[1]

We shall pause for a moment in our consideration of the work of the convention to take up the question of the effect produced by Lincoln's Inaugural Address. It will be remembered that the President disclaimed any intention of interfering with slavery where it already existed. But he also took the position that secession was unconstitutional and therefore the Union was un-

[1] The Carlile documents.

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broken. No offense was taken at this until it appeared that it was more than an academic pronouncement and that the President really intended to enforce the Federal laws in the seceded states. This became the storm center. One Virginia paper which had hitherto taken the Union side now declared that it was clear that coercion was intended and Virginia should voice her displeasure in no uncertain terms.[1] The address was denounced as "ill-judged, and calculated to lead to evil results" by another former Union paper.[2] A third affirmed that Lincoln had meant to be conciliatory, but failed to appreciate the depth of feeling in the South. The people of Norfolk were warned that the address had extinguished the last hope of a peaceful settlement.[3] while the people of Wheeling were congratulated that the new administration had shown itself in its true light so early in its career.[4] The conservative press went over almost *en masse* to the Secessionist side. The Address was interpreted to mean but one thing, a declaration of war, and the greatest indignation was expressed that the President dared even to hint at coercion under any circumstances.[5] It must be clear to all that Virginia should unite herself with the South in resistance to Lincoln's despotism or assent to the subjugation of the South.[6] One paper could not see anything espe-

[1] Fredericksburg *Herald*, March 7, 1861.
[2] Lynchburg *Virginian*, March 7th.
[3] Norfolk *Herald*, March 6th.
[4] Wheeling *Press*, March 6th.
[5] Bedford *Herald* and Danville *Register*, March 6th.
[6] Charlottesville *Jeffersonian*, March 6th.

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cially menacing in Lincoln's Inaugural, but recognized the fact that under the strained condition of affairs it would lead to trouble.[1] The Richmond *Enquirer* denounced the convention for its failure to break away from the Union after it knew what the intentions of the President were; but, declared this journal, "it is of little consequence what the convention does because Virginia will have to fight anyway." [2] One local contemporary echoes these words and adds that there was now no reason why all the border states should not go out in twenty-four hours; [3] while another, heretofore a Union paper, stated that the policy as outlined in the Address "would meet with stern, unyielding resistance by the solid South." [4]

The views of the members of the convention varied, as was natural, according to party, but none came out openly to defend the "coercion clause." Jubal A. Early, a stanch Unionist, said: "I do not approve of the Inaugural of Mr. Lincoln and I did not expect to be able to endorse his policy; . . . but, Sir, I ask . . . if it were not for the fact that six or seven states of this Confederacy have seceded from this Union, if the declaration of President Lincoln that he would execute the laws in all the states would not have been hailed throughout the country as a guarantee that he would perform his duty and that we should have peace and protection for our property and that the Fugitive

[1] Alexandria *Gazette*, March 8th.
[2] Richmond *Enquirer*, March 7th.
[3] Richmond *Dispatch*, March 8th.
[4] Richmond *Whig*, March 8th.

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Slave laws would be faithfully executed?"[1] Not many, even among the Union men, took such a moderate view of the situation created by the Inaugural Address. The majority of them shook their heads doubtfully and looked for the worst to happen.

With the press and the people of eastern Virginia almost unanimously of the opinion that the Union was irrevocably destroyed; with the feeling almost universal that Virginia could never continue in the Northern confederacy after it had begun to make war on the seceded states; and with the positive assurance that the President intended to use the army and navy against those states, the greatest wonder is that the Richmond Convention did not pass an ordinance of secession early in March. The Secessionists clearly saw their opportunity and sought by every means to use the advantage which they had gained.[2] But the convention remained firm against the continued assaults and while there was quite an appreciable accession to the Secessionist ranks, yet it was not great enough to accomplish what the leaders wished. More resolutions poured in, most of them aiming at a common goal—secession—and all were

[1] Munford, "Virginia's Attitude toward Slavery and Secession," p. 267.

[2] Thus declares one Virginia writer: "Then was the time for the Virginia Convention to have withdrawn from the Union, instead of talking two months and then withdrawing after the policy of coercion had been determined upon. If Virginia and the border states had then seceded it is highly probable that there would have been no war; but the continual delay encouraged the Federal Government to think that they would not secede and the policy of coercion was decided upon."—Biographical Sketch of M. R. H. Garnett; *William and Mary Quarterly*, Vol. 18, pp. 17-37; 71-89.

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referred to the Committee on Federal Relations, whose work became so heavy that its members were excused from attendance at the sessions of the convention. One resolution provided for a convention of the border states and an immediate report by a Committee on the subject of Federal coercion.[1] An amendment was offered by Mr. Leake that, whereas Virginia had been foremost in the formation of the Union and the attempt to preserve the Union, her loyalty could not be doubted; but since the Constitution was broken by the outrages of a sectional majority, Virginia could not honorably remain in the Union. Another amendment declared that since it had become so evident to all that the Chief Executive of the United States intended to plunge the country into war, Virginia should take such steps as would ensure her ability to defend herself in case of invasion.[2]

On March 8th Mr. Carlile made an attack upon the Richmond *Enquirer*, charging it with engineering a scheme to force Virginia out of the Union. His accusations were so general that we are forced to believe that Carlile's evidence of such a plot was all hearsay. His remarks gave great offense to the Secessionists, especially his characterization of secession as treason. He denied that Virginia had any reasonable excuse for secession; declared that since 1845 they had had the right to increase the number of slave states, but had not done so because "slavery was governed by soil, by cli-

[1] Journal, p. 82-3.
[2] *Ibid.*

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mate, and by interests."[1] The same day was marked by an altercation between Mr. Early and Mr. Goode which nearly resulted in a duel.[2] The latter had expressed some doubt as to the truthfulness of a certain statement of Mr. Early, who lost no time in taking up the remark as an aspersion upon his character. Friends intervened and the affair was settled amicably.[3]

Mr. Wysor kept up the "firing process" by submitting an ordinance dissolving all political connection between Virginia and the United States. His bill of indictments against the Northern states was a long one: They had assailed negro slavery most unscrupulously; they had used the United States mails for the purpose of spreading discontent among the negroes; they had abused the freedom of the press and of speech by their incendiary articles and speeches on slavery; they had instigated John Brown's Raid; they had refused obedience to the United States Constitution and laws providing for the rendition of escaped criminals and fugitive slaves; they had shut slavery up in its present bounds, thus excluding the South from equal participation in the affairs of the territories.[4] Mr. Brent, a delegate from the Alexandria district, attacked these doctrines and expressed the belief that South Carolina

[1] Richmond *Dispatch,* March 9th.

[2] This was a day of excitement. In the evening a large Union meeting was held. The principal address was made by Mr. Rives, the burden of whose plea was that Virginia should remain mistress of her own destiny. The gathering broke up with three cheers for Mr. Carlile.—The *Dispatch,* March 9th.

[3] *Ibid.*

[4] Journal, pp. 91-3.

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was as much at fault as the North. For thirty years her one object had been the breaking up of the Federal Union; now she was going to drag Virginia down into the abyss with her if they were not careful.[1]

March 9th the Committee on Federal Relations made its report, which gave unmistakable proof that the members of the committee had been much at variance. Nothing really definite had been agreed to, although they had endeavored to cover this defect by making their recommendations in the boldest terms. The doctrine of states' rights was, of course, upheld; the righteousness of the institution of slavery was affirmed; while it was asserted that all the states of the Union possessed equal rights in the territories. It was agreed that the Southern states should not submit to the appointment of Federal officials in the slave states, if these officials were known to be hostile to slavery. The Secessionists had succeeded in inserting a clause to the effect that in case of secession the forts and arsenals of the United States reverted back to the states. The other recommendations presented by the committee were that Congress should be asked to pass a more stringent fugitive slave law, and that a border-state convention should be called to meet at Frankfort, Kentucky.[2]

Five substitutes for this report were offered. One, by Mr. Wise, would postpone secession only until the time when the North refused definitely to accede to the demands of the South. Messrs. Harvie, Montague, and

[1] The *Dispatch*, March 12th.
[2] Journal, pp. 85-6.

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Williams made their minority report a recommendation for the immediate passage of an ordinance of secession. Mr. Barbour would send commissioners to the Confederacy to confer with the authorities as to the present state of affairs. Mr. Baldwin wished the convention to endorse the constitutional amendments drawn up by the Peace Conference as the most satisfactory solution for the problems which they were called upon to solve.[1] At the same time the Federal authorities should be requested to abstain from any effort to enforce the laws in the seceded states, since the inevitable result would be civil war.[2] The other two substitutes suggested nothing new and only offered additional evidence of the lack of harmony which must have prevailed in the committee.

A new plan was now resorted to by the Secessionists. Every day there would be presented a batch of resolutions adopted at mass meetings held in various parts of

[1] The recommendations of the Peace Commissioners were almost exactly the same as those suggested by Governor Letcher in his message to the legislature at its initial session in January. —The Journal of the Virginia Assembly, p. 17.

[2] Journal, pp. 96-7. Resolutions adopted at a mass meeting in Jackson County (now West Virginia) April 1, 1861, declared that the few Union people there deserved no consideration, and instructed their delegate at Richmond to vote for an ordinance of secession. Meeting gave three cheers for Jeff Davis and nine groans for Abe Lincoln.—*Kanawha Valley Star*, April 2, 1861. Public meetings in Guyandotte, April 20th, and Boone County, April 30th, adopted the same resolutions. The *Kanawha Valley Star*, in an editorial April 30th said: "There are no 'Black Republicans' in Virginia except in Wheeling. . . . Should the Abolitionists of Ohio send an invading army into western Virginia, not a soldier of them will return alive. The mountain boys would shoot them down as dogs."

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the state, nearly all of which urged the convention to pass an ordinance of secession at once, and "dissolve the odious connection of Virginia with the Federal Government." It was declared "that the time for adjustment had passed; that we regard it the imperative duty of the Virginia Convention now to pass an ordinance of secession; that the highest respect is due South Carolina and the rest of the seceded states. We honor them for their wisdom, their decisive boldness, and their humane forbearance." [1]

On the 12th two prominent delegates from the west spoke. Mr. Summers, who had been characterized as the ablest jurist in the state, held the floor for three hours outlining his policy which seems to have been nothing more than "standing pat." He declared his inability to see that slavery was in any danger. On the contrary, he claimed, it was gaining ground every day in western Virginia. Mr. Willey again warned the convention that disunion by the action of the state was synonymous with the division of the state. With four hundred and fifty miles of exposed border western Virginia would be helpless. "Will you place us in this extremity? Will you bring this desolation upon us? Will you expose our wives and children to the sword and to the ravages of civil war? . . . Will you make northwestern Virginia the Flanders of America?" he asked.[2]

About this time reports began to be circulated that

[1] Journal, p. 99.
[2] Wheeling *Intelligencer*, March 13th.

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great numbers of the more prominent citizens of the state were preparing to move south unless the convention passed an ordinance of secession very shortly. It was rumored that thirty families in Amelia County and as many as one hundred families in Mecklenburg County were making arrangements to emigrate to some state which had left the Union.[1] The Richmond *Dispatch* was very much exercised over the possibility of losing some of its citizens and says: "If this state of things continues the slaveholding portion of Virginia will be impoverished. What madness, what folly and wickedness is it in our convention to attempt to force an unnatural and repugnant union with the Yankee states!" The purpose of these reports was so evident that the effect produced was slight. The Union men refused to believe that anyone of prominence would give up his Virginia home on such a trivial excuse. Some claimed that even if it should turn out to be the truth, the ultimate effect would be the abolition of slavery. "Political demagogues make these threats to fire up the Southern heart, to force Virginia out of the Union," said one writer.[2]

March 14th John Tyler took his seat in the convention and at once threw the weight of his authority on the side of secession. He announced that the whole country was watching intently to see what the convention did and so powerful would be the influence if Virginia left the Union that the Federal Government would

[1] The *Dispatch*, March 13th.
[2] "The Conspiracy Unveiled," p. 163 *et seq.*

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not dare to adopt coercive measures toward the South. As for internal dissensions within the state, Mr. Tyler refused to believe that the west entertained any notion of breaking away from the east in the event of the passage of a secession ordinance. At heart the citizens of transmontane Virginia were as loyal to the Southern cause as their fellows of the east.[1]

The end of the first month found the convention scarcely more determined upon its policy than it had been at the beginning. There was a general sifting down of the less determined delegates, to be sure, but the defection from the Union ranks was not so pronounced as was expected. Some of the delegates from the southwest had gone over to the Secessionist side and, as is usually the case with recent converts, they were supporting the doctrines of their former opponents with great zeal. But the mass of Union men held firm and refused to be moved either by threat or blandishment. The Secessionists were beginning to despair of ever putting through an ordinance of secession. They made the accusation that the western delegates were bargaining with some of the eastern members, the agreement being that the questions of changing the basis of representation and providing for the equal taxation of slaves would not be urged if the convention did not pass an ordinance of secession.[2] A similar charge had been made before, much to the delight of the Union men, who considered a resort to such tactics an acknowledge-

[1] The *Dispatch*, March 16th.
[2] Richmond *Enquirer*, March 17th.

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ment by the Secessionists of certain defeat.[1] The western members had become marked men in Richmond, as they discovered every time they appeared upon the streets or spoke in the hall of the convention. At the conclusion of an address delivered on the 15th, Mr. Carlile was roundly hissed by the galleries.[2] In the evening a large crowd gathered at the market and tore down a Union flag, which was floating there. Some fiery speeches were made and one orator advised his hearers to drive the convention out of the city at the point of the bayonet.[3] The convention was described by one editorial writer as "the block and tackle that confines Virginia in Lincoln's yard."[4] Secessionist speakers were imported and scarcely a day passed that they did not address some assembly. The daily papers were filled with letters from Southern leaders beseeching Virginia to assume her proper place in the new Confederacy and holding out the most glittering allurements when this was accomplished.[5] The state itself did not escape abuse on account of its refusal to leave the Union. It was declared that Virginia had lost its ancient pride and was content with remaining a vassal of the North. Cajolery, however, was resorted to more frequently then denunciation by the Southern press. The position of Virginia as the foremost state

[1] Wheeling *Intelligencer*, March 19th.
[2] *Ibid.*
[3] Morgantown *Star*, March 16th.
[4] The *Dispatch*, March 19th.
[5] The Richmond *Whig* on March 12th had gone over to the Secessionist side, thus leaving the Union men without a single newspaper in the Capitol.

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of the South was freely acknowledged. All the various changes on Southern pride were rung in. So one article reads: "Dear old Virginia, we love you; we know not how to give you up. Oh, for some voice like Patrick Henry's to overcome the present submissive majority in your convention! To every true son of Virginia we say, 'Come with us and we will do you good.'" [1] Northern papers exulted at the prospect of keeping Virginia in the Union. The loyal men in the convention were represented as refusing bribes and disregarding threats.[2]

These hopeful signs were all on the surface, however. It cannot be doubted that a powerful secession wave was sweeping over the eastern part of the state. By-elections here and there show that the Union cause was losing strength. An election at Petersburg held March 16th resulted in a victory for the Secessionist candidate by a vote or 829 to 762. On the previous election in February the Union candidate had won out by the substantial majority of 586 out of a total of 1,440 votes cast. The same result is noticed all over the state, where the people were called upon to register their opinions. If a general election for delegates to the convention had been held at this time the Secessionists would have swept the state east of the Alleghany Mountains. It was the realization of this fact that aroused the advocates of secession and made them denounce the convention for its refusal to accede to the wishes of

[1] Atlanta *Constitution*, March 19th.
[2] Pittsburg *Chronicle*, March 20th.

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the majority of the people. With press and people against them to such an extent, the great marvel is that the Union men held together so long.[1]

On the 16th Mr. Burley, one of the very few uncompromising Union men in the convention, presented a series of resolutions affirming the indissolubility of the Union; condemning the doctrine of secession as a fallacy; and upholding the principle that Federal property everywhere belonged to the Federal Government. The sixth resolution, in view of later events, has an especial significance:

"Resolved, That the right of revolution . . . can be exercised as well by a portion of the citizens of a state against their state government as it can be exercised by the whole people of a state against their federal government; and, when the powers of a state government are used for purposes of unjust discrimination against a portion of the citizens or a particular section of the state in imposing upon one portion or section an undue proportion of the burdens of the state government and exempting from taxation a peculiar species of property belonging, to a great extent, to another portion of the citizens and located mostly in another section of the state . . . the people thus oppressed . . . would be justified in resisting the collection of all revenue from them until the injustice aforesaid was remedied. And that any change of the relation Virginia now sustains to the Federal Govern-

[1] A mass meeting was held on the evening of March 15th in Richmond. While Roger A. Pryor was speaking, three hundred men from Petersburg marched in, carrying a Confederate flag. A petition requesting the convention to pass a secession ordinance received 1700 signatures.—The *Dispatch*, March 16th.

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ment against the wishes of even a respectable minority of her people would be such an act of injustice as to justify them in changing their relations to the state government by separating themselves from that section of the state that had thus wantonly disregarded their interests and defied their will."[1]

Mr. Willey followed this up with four resolutions providing for the reform of taxation and the adoption of the white basis of representation. The eastern members refused to be diverted from their main purpose, but feared to alienate the west beyond hope of reconciliation if they rejected without consideration the proposition of amending the constitution. A motion to lay the resolutions on the table went over until the next day when they were taken up as unfinished business. The motion to table being withdrawn, a long and heated discussion took place. Mr. Brown of Kanawha County declared that the west, while not an abolition country by any means, was united in its endeavors to secure more equitable taxation laws. Mr. Fisher of Northampton appealed to the western members not to raise old sectional questions at that time and claimed that they were under a pledge not to do so before the year 1865. Speaking for the Secessionists he said: "If he (Willey) will give us an ordinance of secession and go before the people pledging himself in good faith to make the effort to induce them to ratify it, I will go into a consideration of the question of taxation and representation." This proposal was attacked by Mr. Early as subversive

[1] Journal, pp. 103-4.

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of the principles of a convention. Mr. Wilson declared that the east could blame itself if the state was split asunder. Its shortsighted policy of refusing to make internal improvements in the west had been the cause of all the disputes and misunderstandings. It was too late to change conditions now.[1] The general feeling was that Willey's resolutions were introduced only for the purpose of drawing the fire of the Secessionists toward them and diverting it away from secession; but the western delegates were none the less zealous in their advocacy of a revision of the constitution of the state. Mr. Haymond, speaking on the 19th and 20th, denied that there had been any agreement not to make any alterations in the organic law of the state before 1865 and challenged anyone to prove such assertions. Times had changed since 1851, said Mr. Haymond, and the state was now facing a tremendous problem. Secession would mean that the west would bear the brunt of the attack from the North and at the same time continue to pay more than her share for the defense of untaxed slave property in the east. Nothing could be more inequitable. Speaking as a slaveholder and one who firmly believed in slavery as an institution, he was nevertheless ready to affirm his belief that negro slavery was at the bottom of all their troubles, state and national.[2] Mr. Holcombe of Albemarle County declared that if the South were invaded from Ohio, the patriotic citizens of West Virginia would rise as a body and repel

[1] Pittsburgh *Chronicle*, March 17th.
[2] Wheeling *Intelligencer*, March 21st.

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the attack. He made a passionate appeal to the western delegates to come to the aid of the state and painted the glories of an independent Virginia in the most glowing colors.[1]

The east, however, was not content to rest under the imputation that it was being supported by the west and the dispute was carried on by the newspapers and on the floor of the convention in a manner that reminds one of the earlier constitutional conventions. Figures were given, in rebuttal of the claim of Mr. Haymond that the west paid annually into the state treasury $690,000 and received almost nothing in return, which showed that the burden of taxation fell upon the east in the proportion of two to one. The Tidewater and Piedmont contributed each year $2,104,386, while the Valley and Trans-Alleghany paid but $1,216,899. General taxes were raised largely in the east. Thus it became evident that the west in its advocacy of further taxation revision had in view the object of taxing slavery out of existence. The convention should proceed to the consideration of the main business without regard to the "western demagogues."[2] The debates dragged on without any kind of agreement being reached. The western members were divided into two groups, one favoring immediate adjournment, and the other desiring to remain until their grievances had been

[1] At the conclusion of Holcombe's address the galleries went wild with enthusiasm and it became necessary to clear them; but as usual the order was rescinded upon the solicitation of some of the Secessionist leaders.—The *Dispatch*, March 21st.

[2] The *Dispatch*, March 21st.

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redressed. Some of the Secessionists professed themselves willing to do anything to preserve the unity of the state, even to burdening themselves still more with taxes; but others declared their willingness to let the west go if it so desired. That section had never displayed the proper spirit and in case of war would likely prove a hindrance instead of a help.[1]

March 27th Mr. Rives made a notable speech which showed that he had still a good claim to the title "Union man." So fairly did he present his side of the questions that it evoked applause from the spectators.[2] He boldly denounced the Virginia Senators, Hunter and Mason, for their misrepresentation of the state. Taking up the great issues, he declared that the South had no real interest in extending slavery; the scarcity of slaves in western Virginia was proof that the institution would never exist where economic conditions were unfavorable. As for the escape of slaves, the masters could blame themselves and not the Northern states. Virginia should play a waiting game until it appeared beyond the shadow of a doubt that the general government was resolved upon coercion. Then they might say, "Come on; we are ready for you." [3] Another mod-

[1] The *Dispatch*, March 22nd.

[2] *Ibid.*, March 28th.

[3] In the evening of the day when Rives delivered this speech, which was pronounced the best Union effort of the session, a Union mass meeting was held. It would not, however, have been designated as "Union" anywhere but in the South, for if any of those present were "submissionists" they did not make their presence known. All agreed with Rives that Virginia should remain in the Union only if it could be done with honor. The *Dispatch* unwillingly pronounced the meeting a great success.

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erate Union man, McFarland of Richmond, denied that Virginia was a sovereign state and declared that so long as it remained in the Union it must obey the Federal laws. This doctrine was denounced by Mr. Wise as "the impudence of old federalism." [1]

On the 20th the Secessionists had won what appeared to be a decisive victory by having adopted a resolution, instructing the Committee on Federal Relations to inquire into the expediency of submitting to the people of the state two ordinances, one providing for immediate secession, and the other for a series of amendments to the United States Constitution which should be Virginia's ultimatum to the Federal Government.[2] It will thus be seen that no vote on the straight issue of secession was to be permitted. The only question would be, How will you have your secession? The committee, however, on the 30th reported the resolution adversely, expressing their conviction that the convention should first decide as to the general policy of the state and then allow the people to confirm or reject it.

Going back to the consideration of the majority report, a number of new propositions were brought in. Mr. Hall moved to substitute for the committee report the constitution of the Confederate states.[3] The motion was quickly laid on the table. Turner, another

[1] The *Dispatch*, March 28th.
[2] Journal, p. 112.
[3] Journal, p. 109. Mr. Hall was denounced by his western associates as a renegade but he was lionized by the people of Richmond, who presented him with a cane in token of their appreciation of his stand for the "honor of Virginia."

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westerner, offered the Crittenden proposals as a substitute. Mr. Wise wished the convention to go on record as favoring the appointment of Federal judges by the United States Senate. Mr. Scott advocated sending a final proposal to the non-slaveholding states, upon the rejection of which Virginia should leave the Union. Mr. Early again spoke in favor of a border-state convention.[1] Apparently no one was capable of suggesting anything which met with the approval of a majority of the delegates.

April 5th a vote was taken on the adoption of an ordinance of secession. It was defeated but the result indicated that the cause of disunion was steadily gaining. The following day some real progress was made when the first eight resolutions of the committee report were adopted. By this action the convention affirmed its belief in the following principles: states-rights; non-interference with slavery; the exclusion from the slave states of Federal officials known to be hostile to slavery; equal rights in the territories; state ownership of Federal forts and arsenals. The intention was avowed to use every effort to preserve the Union but the Federal Government should agree to three things; namely, the better enforcement of the Fugitive Slave Law; the reduction of government expenditures; and the repeal by the Northern states of any laws hostile to slavery. The last resolution denied that the Federal Government could use the army and the navy for the purpose of bringing back any state which had seceded. Mr. Car-

[1] Wheeling *Intelligencer*, April 8d.

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lile made an effort to have the report of the Peace Conference substituted for the committee report but the convention refused to rescind its action.[1]

The majority of the Secessionists were displeased with the moderate character of the resolutions. Some of them despaired of ever persuading the convention to adopt more drastic measures and pretended to be willing to vote for an adjournment *sine die*. The *Dispatch* of April 6th thus gives vent to its feelings:

"We have never been able to feel that interest in the proceedings of the convention which should have attached to that body if we could believe that its decisions would have the slightest weight upon the future of Virginia. . . . We would not, however, disturb the innocent official complacency which takes it for granted that what the convention says Virginia will do. No well-regulated mind will desire to deprive children in the larger or the smaller growth of any harmless means of entertainment."

No better proof is desired that the Secessionists themselves failed to perceive that the tide had turned in their favor, and that the convention which they so roundly denounced was in a state of transition just preceding the complete overthrow of the Union forces.

On April 8th it was agreed that the convention should send a delegation of three men to Washington, for the purpose of getting from the President a statement of what course he intended to pursue toward the seceded states. The Unionists saw clearly that the purpose in

[1] Wheeling *Intelligencer*, April 6th.

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adopting this resolution was an ulterior one; they foresaw what the effect would be when the committee returned from Washington with an unsatisfactory answer from Lincoln, who could not be expected to give out any positive information. "When the committee returns," said Mr. Jackson, "we shall be expected to rush off like a flock of sheep right into the arms of the Southern Confederacy; where, so help me God, I do not mean to go under any circumstances."[1] Carlile, always fertile in suggestions, moved an amendment whereby another delegation should be sent to the Southern Confederacy to discover what policy the authorities intended to pursue toward the North.[2] It was rejected. Mr. Montague expressed the opinion that the three factions in the convention should be represented on the committee: the Secessionists, the moderates, and "the third, a little lower down." As for himself he would refuse to serve unless he was permitted to use his own method with Lincoln. The latter, "ignoramus as he was, did not understand the sentiments of this people."[3] By a unanimous vote Alexander H. H. Stuart, George W. Randolph and William Ballard Preston were chosen to constitute the committee. Mr. Stuart was, presumably, the representative of the faction "a

[1] The *Intelligencer*, April 9th.

[2] Mr. Wise remarked ominously, that if Carlile's amendment carried and he (Carlile) served on the committee it would "be the last of him."—Private correspondence of Carlile.

Carlile was scoffed at in the convention; laughed at and insulted on the streets, and once was threatened with hanging by a mob which surrounded his boarding house—so he afterwards claimed.

[3] Richmond *Enquirer*, April 9th.

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little lower down," but if by that was meant unconditional Unionist the convention chose the wrong man. There was really little difference in the opinions of Preston and Stuart, and since Randolph was an avowed Secessionist it left the real Union men, like Carlile, Willey and Burley unrepresented. The Trans-Alleghany was ignored as usual.

Lincoln received the delegation "courteously but rather coldly." It was too late for him to alter the program decided upon and Sumter even then was under fire. To guard against such mistakes as were likely to be made in a verbal reply he wrote out his answer carefully and read it to the commissioners on the morning of April 13th. It was little more than a reaffirmation of the policy outlined in his Inaugural Address, expressed in more positive terms:

"If," said he, "as now appears to be true, in pursuit of a purpose to drive the United States authorities from these places, an unprovoked assault has been made upon Fort Sumter, I shall hold myself at liberty to repossess, if I can, like places which had been seized before the government was devolved upon me. And in every event I shall to the extent of my ability repel force by force. In case it proves true that Fort Sumter has been assaulted, as is reported, I shall perhaps cause the United States mails to be withdrawn from all the states which claim to have seceded, believing that the commencement of actual war against the government justifies and possibly demands this. I scarcely need to say that I consider the military posts and property situated within the states which claim to have seceded, as yet belonging to the government of the United States

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as much as they did before the supposed secession. Whatever else I may now do for the purpose, I shall not attempt to collect the duties and imposts by any armed invasion of any part of the country; not meaning by this, however, that I may not land a force deemed necessary to relieve a fort upon a border of the country. From the fact that I have quoted a part of the Inaugural Address it must not be inferred that I repudiated any other part, the whole of which I reaffirm, except so far as what I now say of the mails may be regarded as a modification." [1]

The committee made its report to the convention without comment, but their silence was more eloquent than anything they could have said. It was freely predicted even among the Union men that upon the first hostile move by Lincoln, Virginia would be out of the Union so far as the action of the convention could take her out.[2]

Before proceeding further in narrating the course of events in the convention after secession became an assured fact, it may assist in a clearer understanding of

[1] "The Life, Public Services, and State Papers of Abraham Lincoln," pp. 179-80. (N. Y., 1865.)

[2] The *Dispatch* still failed to read the signs aright, for on April 15, after Lincoln's answer had been received and the convention still did not pass the act of secession it says: "What the convention does or what it does not do is no longer a matter of the slightest importance or interest. It may refuse to the people the right to elect their own delegates to the border convention; it may pass a measure for a border convention, or a national convention, or a world's convention; it may order the millenium to occur forthwith or command the sun and moon to stand still; it may monopolize the sovereignty of the state or establish an elective monarchy and elect one of its members king; or it may do nothing and go home. Thank goodness for that."

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subsequent events to give an account of several incidents which undoubtedly influenced the convention to a greater or less degree.

In the early part of April Lincoln, feeling that the Richmond Convention was a standing menace to the country because of the position of Virginia among the border states, made an effort to have it adjourned. To accomplish this purpose he was willing to make important sacrifices, because he believed that the war, if it must come, could be confined to the gulf states. That great numbers of Virginians would enlist in the Southern army he well knew, but the effect of this would be less important than the passage of a formal act of secession. Reasoning thus, he sent for George W. Summers to come to Washington. Why the latter refused to go we are unable to say, but in his stead he sent John B. Baldwin, whose Unionism was equally unquestioned. Baldwin was not a "submissionist," but Lincoln did not want a man of this type, knowing very well that such a person would be without influence. The affair was carried on *sub rosa* and the whole story was not revealed until 1866, when the Joint Committee on Reconstruction was holding its sessions. Then, through the testimony of Mr. Baldwin, John F. Lewis, and John Minor Botts the truth was brought to light. Baldwin testified that he had gone to Washington at the request of Mr. Summers and had presented himself before the President on the morning of April 4th. Lincoln's first words were, "You have come too late." He then asked Baldwin why the convention could not be adjourned

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sine die. Baldwin replied that such a course would be a mistake, for the Union men were controlling the convention three to one. "We are controlling it for conservative results," said he; "we can do it with perfect certainty if you will uphold our hands by a conservative policy here. I do not understand why you want a body thus in the hands of Union men to be dispersed or why you should look upon the sessions as in any respect a menace to you; we regard ourselves as coöperating with you in the object which you express to seek; besides if we were to adjourn the convention *sine die*, leaving these questions unsettled in the midst of all the trouble that is ours, it would place the Union men of Virginia in the attitude of confessing an inability to meet the occasion. The result would be that another convention would be called." He went on to state his belief that in any new convention the Union men would be outnumbered and an ordinance of secession would be passed. His advice was for Lincoln to withdraw the troops from Fort Sumter in order to avoid a collision, because forty-eight hours after the first gun was fired Virginia would be out of the Union. According to Baldwin the incident closed there.[1]

But the testimony of Mr. Botts, who had remained a Union man throughout the war in spite of social ostracism and loss of property, contradicted Baldwin's. He was given an interview with Lincoln on April 7th. The President stated that he had put this proposition to Baldwin: That if he would go back to Richmond

[1] Report of the Joint Committee on Reconstruction, pp. 69-73.

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and have the convention adjourned without passing an act of secession, "so anxious am I for the preservation of the peace of the country and to save Virginia and the other border states from going out that I will take the responsibility of evacuating Fort Sumter and take the chance of negotiating with the cotton states which have already gone out." Baldwin was told that the time was short as Governor Pickens had been warned that a fleet would be sent to Charleston if an effort was made to starve out Major Anderson, and the fleet was ready to sail at five o'clock that day. Lincoln told Botts that Baldwin had treated the offer with scorn and thus the interview ended. Botts then asked that the same offer be made to him, promising that he would have the convention adjourned in a few days. But it was too late, as the fleet had sailed and there was no way of communicating with it. The opportunity was thus gone, and Botts returned to Richmond under promise that he would not make the incident generally known.[1] Botts was corroborated at every point by Mr. Lewis, whom Botts had let in on the secret. Lewis had gone to Baldwin and asked why he had kept back the offer from the Union men of the convention. No answer to this was made as Baldwin became confused and left the house.[2]

It is a matter of conjecture what would have been the result had Lincoln's alleged offer been made to the Union men of the convention. Possibly an adjourn-

[1] Report of the Joint Committee on Reconstruction, pp. 102-109.
[2] *Ibid.*, pp. 114-123.

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ment would have been taken, in which case the legislature could have called another convention (which surely would have been controlled by the Secessionists), or it might have proceeded to act on its own responsibility and passed an act of secession. That Virginia could have been kept in the Union after Lincoln's call for volunteers is difficult to believe.

The other incident referred to has a more direct bearing on the action of the convention.

On April 6th the Richmond *Whig* published the following circular letter which, it stated, had been sent all through the state:

"RICHMOND, Virginia.

"1861.

"Your presence is particularly requested at Richmond on the —— day of —— to consult with the friends of Southern rights as to the course which Virginia should pursue in the present emergency. Please bring with you or send a full delegation of true and reliable men from your county; and, if convenient, aid the same object in the surrounding counties.

"On arriving at Richmond report yourself and companions immediately to —— at ——.

(Signed) "Samuel Woods of Barbour
John R. Chambliss of Greenville
Chas. F. Collier of Petersburg
John A. Harman of Augusta
H. A. Wise of Princess Anne
John T. Anderson of Botetourt
Wm. F. Gordon of Albemarle
Thos. Jefferson Randolph of Albemarle
James A. Sheffey of Smythe." [1]

[1] "The Conspiracy Unveiled," p. 242.

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To the Union men this letter meant that "intimidation and mob terror were to take the place of manly argument."[1] That it had a sinister signification is beyond denial and no one will contend that the cry of "coercion" by the Union delegates was without foundation. The actual work accomplished by these "true and reliable men" will be recounted later. John F. Lewis, who has the distinction of being the only eastern delegate who did not sign the ordinance of secession, declared that if it had not been for the fear of this self-constituted convention the ordinance would not have been passed, as the people of Virginia at that time were utterly opposed to secession.[2]

On the 9th of April the secession cause made a distinct gain when the convention adopted a resolution recognizing the Confederate States and putting them on the footing of an independent power.[3] When the fact is remembered that the convention had time and again gone on record in affirmation of the doctrine of states' rights and declared that the seven seceded states had merely acted in accordance with this doctrine, it seems strange that the convention had postponed formal recognition of the Confederacy until the second week in April. There were two reasons for this: One was that not all persons who professed to believe in the right of a state to secede were willing for the states to put that right into operation. They upheld it fervently

[1] The Wheeling *Intelligencer*, April 9th.
[2] Report of the Joint Committee on Reconstruction, p. 71.
[3] Journal, p. 145.

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as an abstract proposition, hoping thereby to check the progress of centralization; but when the Union was actually in danger of being destroyed their ardor cooled. The other reason for the hesitancy of the convention was that its recognition of the Confederacy before that government had really established itself would be a departure from the traditional conservatism of Virginia. The western members had made a strong effort to prevent the passage of the resolution, but their opposition had been borne down in the swelling tide of secession.[1] Failing in this, they attempted to have a committee appointed which should inquire into the expediency of amending the state constitution in such a manner that the existing inequalities should be remedied. The debate became quite bitter, the eastern members charging that the purpose of the west was to tax slavery out of existence, while the delegates from the west hinted at a division of the state unless their demands were complied with.[2]

The fight went on although the Union cause was now hopeless. Henry A. Wise, quite the most incomprehensible man on the floor of the convention, still upheld his doctrine of "fighting in the Union."[3] His words are strangely in contrast with his actions:

[1] One of the western members, Mr. Turner, complained that during the course of this debate he had been spit upon by the spectators in the gallery.—The *Dispatch*, April 10th.

[2] *Ibid.*

[3] Governor Wise in a letter to a friend explained what he meant by "fighting in the Union": "If a sovereign state is judge of the infractions, as well as the mode and measure of redress, she may remain in the Union to resent or resist wrongs as well as to do so out of the Union. . . . The Union is not an abstrac-

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"As to parting from the Union in my affections," said he, "I shall never do that. As to leaving its flag, whenever I leave this Confederacy, this north star Confederacy, which makes the needle tremble northward, I shall carry the flag of the old Union out with me; and even if I have to fight, so help me God, I will fight with the Star-Spangled Banner in one hand and my musket in the other. I will never take the Southern Cross or any palmetto for my flag. I will never admit that a Yankee can drive me from the Union and take from me our Capitol. I will take from him forts; I will take from him flags; I will take from him our Capitol. I will take from him, if I can, my whole country and save the whole." [1]

Wise proposed that the convention should postpone action until the North was given time to accept or reject certain amendments to the United States Constitution. If no satisfactory reply was received by October 1st Virginia should resume her sovereignty and unite with any new Union which would guarantee equal

tion; it is a real substantial thing, embracing many essential and vital political rights and properties. Is it not cowardly to renounce one right to save another? . . . If you secede, you not only renounce the Union and its possessions but you fail to unite your own people because you do renounce these rights. Wake a man up to destroy the Union and the Constitution, and he will stare at you and turn away. But tell him that the Constitution is infracted and the Union threatened by Black Republicans, and call him to aid you in defending both against those who would destroy both, and he will heartily agree with you.—Philadelphia *Public Ledger*, Dec. 12, 1860.

[1] Wise, "Life of Henry A. Wise," p. 273.

After the war Wise claimed that he had never fought under the Confederate flag, but had always carried under his coat a Virginia button which he said was his banner.—"The Rending of Virginia," p. 192.

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rights. In the meantime the United States should be requested to withdraw from the seceded states and reduce her forces in the other Southern forts. In case the United States made any attempt to enforce jurisdiction over the people of the seceded states, Virginia was to institute armed resistance. This plan being rejected Wise offered as an alternative an ordinance of secession which was referred to the Committee of the Whole.[1]

On the 13th the first of a series of telegraphic dispatches from Governor Pickens of South Carolina was read. It came in response to an inquiry sent by Letcher asking if it was true that Fort Sumter had been fired upon. Pickens replied: "It is true and still continues. No damage done to anyone on our side or to our works. Great damage to Fort Sumter."[2] The Virginia Secessionists were jubilant, for it was becoming apparent that the Virginia heart was being "fired" at last. Jubal A. Early made a touching appeal to the convention not to rush out of the Union at the bidding of South Carolina. He said that he had never expected to see the day when Virginians would rejoice at hearing that their country's flag had been fired upon. Wise replied in a typical "fire-eating" speech, upon the conclusion of which another telegram from Governor Pickens was read. This time he went into details of the attempt that had been made to relieve Fort Sumter and of its failure. He says, "We can sink the fleet if they at-

[1] Appendix of the Journal, p. 78.
[2] *Ibid.*, p. 153.

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tempt the channel. If they land elsewhere we can whip them. I have here now near 7,000 of the best troops in the world and a reserve of 10,000 on our railroads. The war has commenced and we will triumph or perish. This is my answer to you. Please let me know what Virginia will do." [1]

Tuesday the 16th the convention went into secret session, ostensibly for the purpose of considering the report of the committee sent to interview Lincoln. No one was deceived by this and the Union men, feeling that it was the beginning of the end, made a desperate effort to keep the sessions as they had been. The Governor was informed of what the convention was doing and was requested to communicate to the convention any information he might receive. On motion of Mr. Tyler he was asked to transmit at once any official dispatches from Washington calling upon Virginia for volunteers.[2]

All propositions looking toward compromise were now decisively rejected, even the one having for its object the calling of a border-state convention. William Ballard Preston, a former Union man, brought in an ordinance of secession, and the Union men, now a minority, made their last stand. Just what took place while the convention met in secret session has never been made public. Such accounts as have been given vary according to the sympathies of the narrator. Waitman T. Willey thus says:

[1] Appendix of the Journal, p. 155.
[2] *Ibid.*, pp. 158, 160.

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"The scenes witnessed within the walls of that room . . . have no parallel in the annals of ancient or modern times. On the morning of the 17th Mr. Wise rose in his seat and drawing a large Virginia horse-pistol from his bosom laid it before him and proceeded to harangue the body in the most violent and denunciatory manner. He concluded by taking his watch from his pocket and, with glaring eyes and bated breath, declared that events were now transpiring which caused a hush to come over his soul. . . . It was then that the Union members saw the object of the *other assemblage* which had sat with closed doors from its beginning and whose concealed hand, seizing the reins of government, had left the form without the power to resist." [1]

The story of this "other assemblage" was afterwards told by one of its members, John D. Imboden. He relates that Wise, the prime mover, had despaired of getting the convention to act promptly. One day he met Wise on the street and the latter had reminded him of a promise he had made when Wise was Governor that if he was permitted to have the use of some field-pieces for a company of artillery at Staunton he would consider himself bound to use them as Wise desired. The latter replied: "What was then a joke is earnest now. I want those guns with which to aid in the immediate capture of the United States arsenal at Harper's Ferry. Can they be had with all the men you can raise?" Imboden pledged himself to get the guns and men. A meeting was arranged for and a delegation was sent to Governor Letcher, asking him for permission to take

[1] "The Rending of Virginia," p. 183.

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the arsenal in the name of Virginia. The Governor quickly replied that he could not sanction such an enterprise, as he was under pledge not to take any hostile steps without consulting the convention. The "allies" then agreed to act without any official authority and Wise assumed charge. He ordered the superintendent of the arsenal, who was present, to go back to his post and do his duty there. Three other men were sent to set troops in motion. The President of the Central Railroad agreed to arrange for their transportation. A dispatch from Norfolk was received which read as follows: "The powder magazine here can be taken and the Yankee vessels can be captured and sunk so as to obstruct the harbor. Shall we do it?" Wise answered, "Yes." All this arranged for, he returned to the convention and made the speech which Willey describes above. He told the convention what had been going on and asked if it would support the movement. Great excitement ensued, but the Governor was induced to acquiesce and the *coup* was successful.

Imboden's description of subsequent events is as follows:

"After a very short conference Wise returned to his seat in the convention. Mr. Robert Y. Conrad was on the floor protesting warmly against the movement as unauthorized and illegal, involving, in fact, all the consequences of treason, and the whole people in a war to which the most of them were opposed. Mr. John B. Baldwin and others, but especially Mr. Baldwin, followed in a strain of awful lamentation and foreboding,

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denouncing the act as a usurpation, as revolutionary and disturbing to peaceful measures and interfering with the labors of the convention toward compromise and conciliation. He asked who had assumed to instigate and organize so rash a folly. Whoever they were he could not, for one, sanction or countenance their disastrous and unauthorized action. Wise arose and announced that he and he alone had originated and ordered the movement and assumed its whole responsibility; and he inquired of Mr. Baldwin whether he would or not, now that the movement was on the march, aid the people who had waited on the convention too long in vain, in seizing arms for their own defense. Mr. Baldwin said he could not and he hoped the convention would not partake in such a fearful responsibility. It was not the act of the people, and those who had assumed to act for the whole state must . . . lie upon it and take all the consequences, which he apprehended would be sad and fatal. They should not have his sanction, aid, or countenance. As yet it was not known to him or the convention of what portion of the people the volunteers were composed. Wise then rose and said, 'Mr. President, I have often heard old Augusta (Baldwin's county) boasted of as the heart of Virginia. . . . Let me tell the gentleman from Augusta that the patriotic volunteer revolutionists are his constituents of Augusta, his friends and neighbors of Staunton. They are the men who are marching under my orders to take their own arms for their own defense. . . . Shall they be doomed unsupported to bloody beds?' This appeal silenced Mr. Baldwin; he looked aghast; he dropped his mien of reprehension at the movement and the whole body . . . was thrown into bewildering excitement by Mr. Baylor, Baldwin's colleague, rushing by, almost over seats and down aisles, making his way to Wise. It

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might be to assail him; but no, it was to grasp his hand, with tears streaming down his cheeks and exclaiming, 'Let me grasp your hand; I don't agree with you; I don't approve your acts; but I love you; I love you.'" [1]

Amid such hysterical scenes the ordinance of secession was finally passed in secret session on April 17th, just after word had been received from the Governor that the President had called upon Virginia for her quota of volunteers. The vote was given as eighty-eight to fifty-five. Of the Trans-Alleghany delegates eleven went with the majority of the convention in favor of the ordinance, and five others later changed their votes to the affirmative. To put it another way, the representatives of twenty-one counties in what is now West Virginia cast their lot with the South; while the delegates from nineteen other western counties remained firm to the last in their support of the Union cause.[1] Twenty-two eastern delegates, including President Janney, voted against the ordinance; all but one later obtained permission to change their vote to the affirmative.

It is a peculiar fact that the Valley of Virginia which was destined to suffer the most terrible ravages of war, by the action of its representatives in this convention was ranged on the side of the Union; while across the mountains in West Virginia a majority of

[1] The account of this remarkable scene is found in Wise's "Life of Henry A. Wise," beginning on p. 274.

[2] These nineteen counties, however, represented the greater part of the population and wealth of western Virginia.

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those counties which Congress later recognized as Union counties were placed by their representatives in the convention in the secession column.

After the passage of the ordinance events moved fast.[1] One hundred thousand dollars was appropriated for the defense of the state. An act was passed suspending the authority of the Federal Government until the ratification of the secession ordinance. Another act authorized the Governor to inform the President of the Confederate States of Virginia's desire to enter the Confederacy.[2] A proclamation was issued ordering all volunteer companies in the state to prepare for immediate action. Harper's Ferry was seized; the channel of Elizabeth River was obstructed and many other steps toward the actual commencement of hostilities were taken. The state authorities were severely criticized for doing these things before the people of the state had ratified the ordinance of secession; but it is difficult to see how Virginia could have marked time for a month, while events of such tremendous significance were in progress. The feeling was general that the submission of the ordinance to the people was a mere formality.[3] At any rate, when the day should come for the vote of the people the state would be engaged in

[1] The ordinance was entitled, "An Act to repeal the ratification of the Constitution of the United States of America by the State of Virginia and to resume all the rights and powers granted under the said Constitution."—Journal, Ordinance No. 1.

[2] *Ibid.*, pp. 4-5.

[3] Two papers with such divergent views as the Richmond *Enquirer* and the Wheeling *Intelligencer* agreed on this point.

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war and it mattered little whether they approved or rejected the ordinance.[1]

The convention passed a resolution providing that an address to the people of Virginia should be drawn up setting forth the reasons why they should ratify the ordinance of secession. Jubal A. Early gathered around him a few remnants of the old Union party and fought desperately to have the resolution tabled, urging that it was not proper for the convention to presume to tell the people how they should act. This failing, he made a motion that the soldiers in camp should not be permitted to vote. But the convention was not going to run any risk of having the ordinance rejected, so all conservative proposals were turned down.

April 25th the convention ratified a temporary agreement which had been made with Alexander Stephens, Commissioner of the Confederate States. The next step was the adoption of the Constitution of the Confederate States. April 29th the convention appointed a commission consisting of Messrs. Hunter, Rives, Brockenbrough, Staples, Camden, and Russell to proceed to

[1] Thus Mr. Botts says: "Notwithstanding that the people had decided by a majority of 56,000 to make this a convention of limited powers . . . the authorities . . . proceeded next day after the passage of the ordinance by the convention to involve the state of Virginia in actual war with the United States. . . . They then turned to the people . . . and said, 'Now we are involved in war and the rejection of the ordinance . . . will not stop the progress of the war; so you can vote for the ordinance or against it as you like. But, in the language of the Emperor Napoleon's friends, 'We advise you to vote for the Emperor.'"—Report of the Joint Committee on Reconstruction, p. 114 *et seq.*

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Montgomery and act as delegates from Virginia to the Confederacy.

Wednesday, May 1st, the convention adjourned.

The question is often asked, What were the immediate causes which threw Virginia into the arms of the Confederacy? The usual reply has been, the news of the fall of Fort Sumter and the receipt of Lincoln's call for volunteers. The older idea was that the convention stampeded when the telegrams from Charleston were read. But General Imboden declares that it was common knowledge that the telegrams had been sent for effect and soon became objects of derision. As soon as it was announced that one had been received the cry would go up, "Another Democratic alarm," and the reading of it would be greeted with laughter." [1] Thus the promise of Roger A. Pryor that Virginia would secede when the first gun was fired failed of fulfillment.[2] But from the moment it became plain that Lincoln intended to use the military forces of the United States in his effort to bring the seceded states back into the Union and expected Virginia to contribute her quota, the future course of the state was decided. No one who is in any degree familiar with the situation will

[1] Wise, "Life of Henry A. Wise," p. 277.

[2] It was alleged that Pryor had been sent south for the purpose of hastening the attack upon Fort Sumter and some of his speeches sound as though the charge were true. For instance, at Charleston on April 10th he said: "I do not mean to say anything for effect upon military operations, but the very moment that blood is shed Old Virginia will make common cause with her sisters of the South."—Pittsburgh *Chronicle*, April 11th, *Christian Advocate*, April 12th.

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affirm now that Virginia could have been held in the Union while her sister-states of the South were engaged in a desperate struggle with the North.

On May 23rd the ordinance of secession was ratified by the people of the state by the decisive vote of 125,950 to 20,373.[1] The *viva voce* method of voting made intimidation easy and there seems to be no doubt that many persons voted for the ordinance under pressure.[2] But we cannot believe that the number was large enough to have had any effect on the final result. In the northern Panhandle, where the fear of war was so strong, it was not safe to vote for the ordinance just as in other parts of the state it required some courage to vote against it.[3] The four counties of the northern Panhandle voted against ratification twenty to one. The

[1] No official canvass of the vote was ever made and considerable doubt has been cast on the correctness of the returns as announced by Governor Letcher. The *National Intelligencer* accused him of concealing the returns from the thirty-four northwestern counties, in order that it might not become known how strongly these counties were opposed to secession.

[2] Mr. C. D. Gray, testifying before the Joint Committee on Reconstruction, declared that he had been compelled to vote for the ordinance. Report, p. 64

James Hunnicutt, Editor of the *Christian Banner*, in the convention of 1867 asserted that it was a matter of common knowledge that the vote taken May 23rd was a farce. Hundreds and thousands of armed men were sent around to tell every man that he could vote as he pleased; but if "you vote the Union ticket you are an abolitionist, a traitor to your state; you shall be tarred and feathered and driven out of the country or you shall be hung."—Journal of the Convention of 1867; p. 328.

[3] Says the Wheeling *Intelligencer*, editorially, May 24th: "There was great curiosity to see who voted for secession. . . . As time went along there came in an occasional stray vote for the infamous ordinance. Nobody said much, but *nearly everybody looked volumes.*"

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majority in Ohio County alone was 3,300.[1] But in the other counties of western Virginia the vote was more evenly divided, while in the east the ordinance was ratified by overwhelming majorities. We are forced to the conclusion that by May 23, 1861, the people of Virginia were ready for war; their hearts had been fired at last.

[1] "The Rending of Virginia," p. 285.

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CHAPTER X

THE BEGINNING OF THE NEW-STATE MOVEMENT

THE passage of the ordinance of secession left the delegates from the northwest in a peculiarly embarrassing position. While not the only ones who had voted against the ordinance, they alone represented districts where a real preponderance of Union sentiment existed and they knew well that their constituents would visit their severest displeasure upon any man who should dare change his vote from the negative to the affirmative and thereby put his stamp of approval upon an act which would surely expose the northwest to the ravages of an invading army.[1]

There remained but one alternative—to leave the convention and return home. This was only a degree less distasteful, for such an action could be interpreted but as the beginning of an open break between the sections of the state, and for this they were not yet prepared. If they remained in the convention they would be regarded as members of a body whose deliberations

[1] Leonard Hall of Wetzel County and Samuel Woods of Barbour County who had signed the ordinance of secession met with rough treatment on returning home and both went to Richmond, where they remained during the greater part of the war.

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were all concerned with the breaking up of the Union. They knew that the convention was determined to legislate the state out of the Union and no power on earth could prevent it. The number of Union sympathizers was decreasing every day and the little handful of loyal delegates from the upper Ohio and Monongahela now stood almost alone.

On the 19th of April John S. Carlile departed from Richmond. Standing out conspicuously as the leader of the Union men he had never wavered, like Mr. Willey and Mr. Summers, in his support of the cause. Threats against him had been made at various times; one evening a mob had gone so far as to surround his boarding house and throw a halter over a limb of a tree.[1] However, no actual violence was offered to any of the delegates, and there is good reason for doubting some of the stories which reached the loyal sections of the state regarding the dangerous situation of the Union delegates.

The day after Carlile's departure the remaining Unionists held a meeting at the Powhatan Hotel in the room of Sherrard Clemens. Here the state of West Virginia may be said to have had its birth, for the course was decided upon of returning to their homes across the mountains and calling for a convention, the ultimate object of which should be the formation of a

[1] James C. McGrew, one of the loyal delegates, declares that Carlile was very reluctant to leave Richmond and his friends were compelled to escort him to the train.—Second Biennial Report, West Va. Archives and History, p. 159. "The Rending of Virginia," p. 528.

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new state out of the loyal counties.[1] In accordance with this plan the Union delegates, with the permission of Governor Letcher, left Richmond April 21st. By the 24th most of the delegates were back among their constituents, urging them to take immediate action against the scheme of the Secessionist leaders. Though bound by oath not to reveal the fact that the secession ordinance had been passed, they disregarded their promise and long before the fact was formally announced that their state had broken with the Federal Government the western Virginians knew that so far as the convention could accomplish it, Virginia was now a sovereign state. The danger was felt to be imminent, for it was a matter of common knowledge that the state authorities could not afford to remain idle until the people had time to pass upon the ordinance of secession.[2] Richmond had already become the scene of war preparations, and it would be but a short time before the entire state was involved. The eastern portion of the state was already engaged in actual rebellion but it seemed quite likely that the west, which had taken no hostile steps, would be the first section to suffer and the people here were not

[1] Those present at this meeting were Messrs. Burley, Clemens, Dent, E. B. Hall, Hubbard, Jackson, McGrew, Patrick, C. J. Stewart, Porter, Tarr, and one or two others not named.—2nd Biennial Report, West Va. Archives and History, p. 159.

[2] The Cincinnati *Commercial*, April 23rd, made a bitter attack upon the Virginia authorities for not waiting until the ratification of the ordinance by the people before taking action. "Virginia has not legally seceded. Her people have not passed upon the act of secession. A mob in Virginia is making war upon the Federal Government."

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willing thus to be offered up vicariously.[1] They realized that their position was a most unenviable one. By preference they were in the Union, but by proclamation of the Governor they would be out of the Union. There was too much Pennsylvania north and too much Ohio west to make secession practicable even if they desired it.[2] The Southern Confederacy, they felt, was formed to protect slavery, an institution in which western Virginia had little material interest. To be expected to offer up their lives and their fortunes for the sake of an institution in which they had little concern was demanding too much.[3]

Union meetings were held in all portions of the northwest. The people of Monongalia County resolved, first, that to obey the behests of the state authorities and take part in the secession movement would result in the utter ruin and bankruptcy of the state; second, that the idea of seceding from the general government and attaching Virginia to the so-called cotton states was repulsive, especially as it was necessary to follow in the wake of South Carolina, "the hotbed of political heresies and secession"; third, that West Virginia had submitted to the domineering rule of the east for over half a century, had been denied equal repre-

[1] Kingwood *Chronicle*, April 27th. Quoted in *National Intelligencer*, May 2.

[2] Letter to the Pittsburgh *Chronicle* signed by a citizen of Wheeling, April 29th.

[3] *The Western Virginian*, April 22nd. The citizens of Taylor and Wetzel counties resolved in mass meetings that West Virginia had no interest in common with the government established for the sole purpose of protecting African slavery.

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sentation while the east had refused to bear her share of the burdens of taxation; fourth, that now the measure of eastern oppression was full and since secession had been determined upon the time was at hand for West Virginia to dissolve her civil and political connection with the east and remain under the protection of the Federal Government.[1] This was the tenor of nearly all the Union meetings. Separation from the state was usually hinted at rather than openly advocated. The action of the Washington authorities calling out troops for the purpose of subjugating the seceded states was freely criticized. An editor of one of the western papers supporting the Union wrote that he had traveled all over western Virginia, and while the people generally did not see any reason for Virginia's secession, at the same time they were far from approving Lincoln's course.[2] On several occasions their disapproval broke out in Union meetings, although the fact was not generally known.[3]

The movement for a loyal convention to be called at Wheeling had its inception in a meeting held at Clarksburg April 22nd. Under the leadership of Carlile a declaration was adopted to the effect that the loyal

[1] *National Intelligencer*, April 24th.
[2] *Western Virginian*, April 22nd.
[3] The Parkersburg *Gazette*, April 25th, declared that "the people of northwestern Virginia, heretofore honest Union men, after the exposure of the treachery of Lincoln will indignantly repudiate Unionism. No people are more patriotic than ours but when "Black Republicanism looks for encouragement and support in its crusade against the South it will look in vain in West Virginia."

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citizens of West Virginia should come together for the purpose of securing their position in the Union. Wheeling was recommended as the best place to meet, not because of its geographical position but for the reason that it was the only town where there was an assured Union majority. Had Parkersburg, Clarksburg, Morgantown, or Fairmont been anything like as loyal as they have usually been considered, one of them would have been chosen as the meeting-place and the state of West Virginia could never have had its birth in Wheeling. Thus the history of West Virginia from 1861 to 1865 appears properly as a part of the history of the city of Wheeling. Here was published the one paper which took up the anti-slavery cause, which consistently urged the division of the state, and supported unwaveringly the Republican administration in its efforts to put down the rebellion.[1] In Wheeling there was a large group of prominent men willing to take upon themselves the uncertain task of setting up a new state government. With local, state, and national officials generally favorable to the Union, with nearly one third of its population foreign-born and altogether out of sympathy with the Southern cause, and with its prox-

[1] The *Intelligencer*. Archibald Campbell, the editor, was an uncompromising Union man, whose courage was commensurate with his ability. His writings received wide notice outside of the state, and to this fact may be ascribed the failure of many northern journals to appreciate the real situation in West Virginia. Mr. Campbell's zeal for the Union outran his judgment, and his optimistic editorials were copied far and wide, producing an entirely false impression as to the sentiment in the counties of West Virginia.

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imity to Ohio and Pennsylvania, Wheeling logically became the soul of the new state movement. As such it was recognized throughout the North and the new government was commonly spoken of as the Wheeling government.[1]

The formal call for a convention appeared in the *Intelligencer* on April 27th. It was a long and stirring appeal for the citizens of the northwest to take some action before the Federal Government made the mistake of considering Virginia as a unit in desiring separation from the United States. The article reviewed the history of events since the calling of the special session of the legislature in January. It professed to see a deep-laid plot on the part of the eastern leaders beginning before the legislature met and not ending until the ordinance of secession was passed. Western interests were not considered in the slightest degree. What did the east care if the Trans-Alleghany became the Flanders of the war? West Virginia had always been a feudal possession of eastern Virginia, and would now continue her usefulness to the east by acting as a buffer to ward off attacks on the cismontane portion of the state. The secession ordinanee had been passed secretly and the lips of the delegates had been sealed in order to give the state authorities time to take possession of the United States arsenals, navy yards, etc.

[1] The counties outside the Panhandle recognized the primacy of Wheeling only as a matter of expediency. They had not forgotten that in various state conventions the delegates from Ohio County had opposed such internal improvements as had for their object the opening up of the central sections of the state.

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"Men of the northwest, this is where Virginia stands to-day; this is how you stand; this has been your treatment; these the indignities you have suffered. Will you submit to a repetition of them? Will you consent and are you willing to have them doubled, quadrupled, carried beyond all power of endurance? Are you a free people and would you retain your liberties? Are you agreed that the degradation, wrongs, and insults of the last few months shall be continued, repeated, and intensified by a petty but most absolute tyranny for all time to come? Your position, if you have the nerve to sustain it, is one of moral sublimity. . . . We conjure you as free men who must secure their own enfranchisement, by all that you hold dear . . . by your duty as a citizen of the best government on earth . . . that you will forget past differences . . . and unite in this hour of common danger." [1]

The various state newspapers were urged to take up the call and scatter the appeal throughout the length and breadth of northwestern Virginia. The response was satisfactory in the Union counties.[2] In two thirds of the counties now constituting the state of West Virginia the press and the people held sullenly aloof from the movement and at no time showed a desire to act in unison with those who were trying to create a new state.

Just how spontaneous the Union sentiment was can

[1] Wheeling *Intelligencer*, April 27th.

[2] A letter to the *National Intelligencer*, April 25th, says: "There are many counties of West Virginia where the Union feeling is predominant. Wheeling will not respond to the Governor's call but stands by the government of the United States. The press of Hancock, Brooke, Ohio, Marshall, Wood, Monongalia and other northwestern counties still keep the Union flag flying."—Also Philadelphia *Press*, April 25th.

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never be determined. Some of the letters and articles circulating at this time have rather a hollow ring, their authors evidently being under the necessity of whistling in order to keep up their courage. The readers of the *National Intelligencer* were told that there were not one hundred Secessionists in Monongalia County, but almost in the same breath fear is expressed that the apathy of the people will be as difficult to overcome as active opposition.

Interest in the new state movement centered around six towns—Wheeling, Morgantown, Fairmont, Grafton, Parkersburg, and Clarksburg. Morgantown was the home of Waitman T. Willey and was reputed to be strongly in favor of going to the extreme.[1] Fairmont, in Marion County, should have been second only to Wheeling in its support of the Union because of its situation on the Baltimore and Ohio Railroad, but it was openly admitted that active Secessionist feeling was plentiful and Union sentiment scarce. Grafton, in Taylor County, was in the position of Fairmont. Parkersburg, the county seat of Wood County, and the second largest city in West Virginia, seems to have

[1] The Morgantown *Star* at this time declared that after "mature and painful deliberation . . . it had come to the conclusion that the one thing left to do was to set up a separate and independent state. And why not divide the state? Should not the people of a state be homogeneous people, a people with like interests and institutions and requiring the same laws? What interest have we in eastern Virginia? . . . All our trade is with Pennsylvania, Ohio, and Maryland. . . . When we talk about dividing the state they cry out, 'Remember the graves of Washington, the shades of Monticello.' These . . . neither buy bread nor improve the country."

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contained a Union majority. Judge Jackson, the most prominent citizen and one of the leading Unionists in the Richmond Convention, was prepared to encourage any steps leading to the establishment of a provisional government, but did not favor breaking away from the old state. [Clarksburg, in Harrison County, was the home of John S. Carlile, who was able to draw over with him a number of the best citizens, but around the outlying districts Southern sympathizers were in force. Union men complained that they were being subjected to all kinds of annoyance by their disloyal neighbors. One man writes that he hopes the report is true that a company of Secessionists was being raised in his district, for the county would then be relieved of "a large amount of the offscouring of humanity." [1]

[1] "The Rending of Virginia," pp. 218-19.

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CHAPTER XI

THE MAY CONVENTION

THE delegates to the first Wheeling Convention were chosen in such an irregular manner that a description of the methods is impossible. In the larger towns informal mass meetings were held and representatives elected. The rural districts, where three fourths of the people resided, had no opportunity to take part in the movement and many indeed were unaware that any organized effort was being made to neutralize the effect of the ordinance of secession. Since the convention was not called by any authority recognized by the state constitution, each county was a law unto itself. The feeling prevailed that the more delegates there were present the more impressive would be the effect, not so much in West Virginia as throughout the North. Thus the four hundred and twenty-nine men who assembled in Wheeling May 13, 1861, made an effective appearance and deceived the newspaper correspondents as to the real situation in the interior of the state. The counties represented were as follows: Hancock, Brooke, Ohio, Marshall, Marion, Monongalia, Preston, Harrison, Wood, Ritchie, Lewis, Upshur, Gilmer, Wirt, Jackson, Mason, Wetzel, Pleasants, Barbour, Hampshire, Berke-

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ley, Taylor, Tyler, Doddridge, and Roane. A closer analysis shows that more than one third of the total number of delegates were from the district immediately around Wheeling. Hancock County with a total population of 4,445 was represented by thirty-two delegates; Brooke County, scarcely larger than Hancock, sent sixteen; Marshall County with a population of 12,997 sent seventy men as her quota. The farther the county was away from Wheeling, the fewer the delegates, with few exceptions. Thirty men came from Mason County, yet Cabell County just below was not represented. Marion County, connected with Wheeling by the Baltimore and Ohio Railroad, was satisfied with sixteen delegates while her neighbor, Monongalia, had thirty-eight. From the eastern Panhandle came eight representatives. Jefferson, Morgan, Hardy, Pendleton, Randolph, Tucker, Webster, Pocahontas, Greenbrier, Nicholas, Fayette, Monroe, Mercer, McDowell, Wyoming, Raleigh, Boone, Logan, Kanawha, Putnam, Clay, Braxton, Calhoun, Wayne, Gilmer, and Cabell counties sent no delegates.

From the first day of the first loyal convention to the final act of admission of West Virginia into the Union the leaders of the movement racked their brains in the attempt to justify their proceedings and make them harmonize with the constitutions of the state and the United States.[1] It was asserted that the May

[1] Carlile declared that all parliamentary customs should be followed out to the last detail, because it was essential that the regularity of their proceedings be recognized all over the land.—"The Rending of Virginia," p. 238.

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convention was a regular body organized under the Virginia constitution, although it was recognized to be a fact that only the General Assembly could summon the people to meet in convention. In discussing this point, Judge Jackson, whose frankness is rather refreshing, made a motion that any man present from any northwestern county be received as a delegate. He stated that he did not believe their gathering was anything more than a large and imposing mass meeting, called irregularly and informally for the purpose of consulting the United States authorities as to the best means of procedure.[1] Carlile, always theatrical, replied that the convention was a sovereign body and as such could do anything the sovereign people could do. Jackson had expressed the opinion that they had come together to deliberate, not to form a new state. To this Carlile replied that if he had so understood the purpose of the meeting he would have stayed at home. The people, he said, expected them to remain in session until their safety was secured beyond a doubt; but "if we temporize now and consult and adjourn to come back here again, before that day arrives you will have sworn allegiance to the rattlesnake flag."[2]

To make their deliberations appear more regular a committee on credentials was appointed. On the afternoon of the first day the final organization was effected

[1] Wheeling *Intelligencer,* May 14th.

[2] *Ibid.* This admission of the wavering sentiment of the people is illuminating. It is only occasionally (and then always inadvertently) that the leaders of the movement reveal the true inwardness of the situation.

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with Dr. John Moss of Wood County as president. Before the meeting had progressed far, Judge Jackson obtained the floor and spoke in favor of an adjournment until a more thorough canvass of the counties could be made. He did not believe that the convention represented the people of the northwest and, if it acted at all, would act without their consent. The interior counties, said he, had not shown the slightest desire or inclination to enter into the movement. Talk of a separation of the state was premature. Carlile answered that only prompt action could save them now. The Federal Government should be called upon for aid, which would be furnished only if their measures were decisive. "Let us repudiate these monstrous usurpations; let us show our loyalty to Virginia and the Union; and let us maintain ourselves in the Union at every hazard. It is useless to cry peace when there is no peace."[1] Mr. Willey, whose lukewarmness was already apparent, supported Jackson's position at this time, and attacked Carlile's radical program. The next day, however, he retracted most of what he had said.[2]

May 14th Mr. Wheat, of Ohio County, introduced a series of resolutions to the effect first, that the ordinance of secession was null and void; second, that the prohibition of the election of representatives to Congress was a usurpation of power;[3] third, that the

[1] Wheeling *Intelligencer*, May 14th.

[2] Willey's trimming propensities detracted greatly from the reputation which his natural gifts would have won for him.

[3] The ordinance of secession provided that the election for

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action putting the military power of the state in the hands of the seceding states was a violation of the constitution; fourth, that all citizens were urged to vote against the ordinance of secession. Carlile, who objected on principle to all resolutions but his own, came forward with a proposition to sever at once the tenth and eleventh congressional districts, with the addition of Wayne County, from the rest of Virginia and to form a free and independent state in the Union. He would have a committee appointed to draw up a constitution for the new state which should be called New Virginia. A storm of protest arose. Mr. Wheat protested that Carlile was going too fast even for him, while Jackson declared that if any such proposition was given serious consideration he would go home and take the whole Wood County delegation with him. Carlile denied that the action proposed was either hasty or revolutionary, but asserted that it was the only alternative left if the people declined to abide by the action of the Richmond Convention. The United States Constitution was also the constitution of Virginia; it was still the supreme law of the land; it provided for the separation of a state and the erection of a new state. The method that he proposed was constitutional.

The next day debate was resumed and again Willey revealed his unfitness to be regarded as a strong Union

members of Congress usually held on the fourth Thursday of May was suspended and prohibited until further notice.—Laws of Virginia, 1861-62, Appendix, p. 33.

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man by characterizing the plan of procedure proposed by Carlile as "treason against the state government, the government of the United States and *the government of the Confederate States of America.*" [1] It is surprising that the members of the convention did not rise en masse to repudiate the idea that there could be any such thing as treason to the Confederate states. If the Confederacy had a legal existence, the Wheeling Convention and government certainly did not have, for the latter was founded on the assumption that states could not legally secede from the Union. Grant that Virginia's action in uniting with the Southern Confederacy was legal, and the whole movement in the northwest must be considered as absolutely without legal justification.

For some reason that is not now clear it was suggested that the convention go into secret session. F. H. Pierpoint, afterward Governor, spoke of attempts being made to exercise pressure over the delegates and prevent free speech. Now Pierpoint was a "new state man" from the first; any demonstration from the spectators to which Pierpoint would object must have expressed disapproval of what the convention was doing —something we should not expect to find in Wheeling where, according to the newspaper correspondents, the people were loyal to a man. The delegates voted to remain in open session. Carlile modified his original proposition to provide for the calling of a convention in

[1] Granville Hall, "The Rending of Virginia," p. 262.

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June, in the event of the ratification of the ordinance of secession.[1]

On the evening of the third day the committee on Federal Relations made its report. It declared first, that the ordinance of secession was null and void; second, that the prohibition of the regular congressional election was a usurpation of power. All citizens were urged to act as though the Richmond Convention had never met and in case the ordinance was ratified the people were requested to send delegates to another convention to be held on June 11th; each county was to be entitled to twice as many delegates as it had representatives in the House of Delegates. The recommendation was made that the senatorial delegates to be chosen at the regular time in May be given seats as delegates in the convention. No justification can be found for this provision, which was absolutely without precedent and whose only merit was that of assuring a certain number of members in the next convention. The report expressed the hope that the state authorities could be brought to see that their course was utterly subversive of the interests of West Virginia and could be induced to agree to a division of the state. The public authorities were assured that the people would do their utmost to preserve peace but it was

[1] Carlile admitted that in most of the counties of western Virginia the Secessionists held the balance of power and overawed the Union men. He declared that if the convention contented itself with paper resolves "there would not be a county in the state which would not give a majority for the ordinance of secession."—Pittsburgh *Chronicle*, May 15th.

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urged that no Confederate troops be sent into the region of the northwest. A Central Committee should be appointed to act until June.

The report was adopted with but two dissenting votes; the committee was appointed and the convention adjourned.[1]

The first Wheeling Convention had attracted a great deal of attention all over the country, as is shown by the fact that a number of the great metropolitan newspapers sent special correspondents.[2] Their reports are conflicting and confusing. On one point they were all agreed and that was, the Union sentiment in West Virginia had been greatly exaggerated. When the northern counties first exhibited an unwillingness to follow the Secessionist flag by calling the loyal convention at Wheeling, the tone of the Northern press was one of sympathy. The New York *World* predicted great results from it; the New York *Herald* congratulated the western Virginians on their loyalty; the New York *Times* asserted that with one half of Virginia gravitating by kindred attraction to the North, a territory equal in area to a first-class state was thrown off by the mere force of repulsion. The Philadelphia *Press* carried a long letter on the subject signed

[1] The committee consisted of Messrs. Carlile, Wheat, Pierpoint, Carr, Latham, Wilson, Woodward and Paxton. Four of these men lived in Wheeling. The committee was certainly not "central" in the sense that it represented the loyal counties.

[2] Among these were representatives of the New York *Herald*, the New York *Times*, Cincinnati *Commercial*, Cincinnati *Gazette*, Pittsburgh *Chronicle*, Pittsburgh *Dispatch*, Cleveland *Leader*, Chicago *Press* and *Tribune*.

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X. Y. Z., calling attention to the unusual geographical features of Virginia; how the northwest was naturally separated from the east. Here was a people neither blest nor cursed with wealth or slavery; whose lands were now so fertile as to absolve them from the need of working with their own hands; whose mountain life had filled them with an intense love of liberty. These were the people who should be aided in their attempt to remain faithful to the Union.[1] The Cincinnati *Gazette* pledged the state of Ohio to the support of West Virginia. The New York *Post* and Chicago *Press* urged the people to act with decision, being assured that the Federal Government would back up their efforts. The New York *Times* asked if Virginia would try to coerce the rebellious section.[2] In such an event the West Virginians need but ask and an army would be sent down which would drive every Secessionist beyond the Alleghanies and "a new Virginia bright and fresh as the morning star will rise among the mountains of the west to shine with luster and glory for generations to come in a constellation of the Union. The thirteenth of May will be the beginning of grief to the revolutionists of Richmond, for then will their kingdom be parted and a mangled remnant of a once

[1] Philadelphia *Press*, May 12, 1861.

[2] The Richmond *Whig* replied to this: "We are so entirely devoted to the great American principle that government should be by the consent of the governed that if the Panhandle should feel able and desirous to set up as an independent community it should have our vote. Acting upon this principle, if the people of the whole northwest sought to make a state of themselves they should certainly meet with no opposition from this journal." Quoted in *National Intelligencer*, May 2, 1861.

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proud state be all that will be left to them to carry their offering to the selfish hierarchs of Montgomery." [1]

Possibly the best commentaries on the May convention are to be found in the Pittsburgh *Chronicle*. Its correspondent reported on his first day spent in Wheeling that northwestern Virginia was as loyal to the Union as Pennsylvania herself, although the feeling predominated that the state should not be divided if it could be avoided. One very discouraging fact was noticeable—the people were not willing to enlist in the army.[2] After remaining in Wheeling forty-eight hours the correspondent writes back that he was convinced that the Union element was far from being as strong as had been reported. There were a great many in Wheeling who were going to follow the state out of the Union, and while these people were not making any noise, their opposition to the Union cause was felt none the less plainly. Out of eleven militia companies in Wheeling the United States recruiting officer had been able to persuade only two to enlist and these refused to leave the city. In the convention itself the greatest difference of opinion could be observed. The advocates for the new state included a number of the most prominent men, but the vast majority of the delegates were opposed to the division of Virginia. The leaders could not agree on any course of action and the bitterest jealousies were cropping out every day.[3]

[1] New York *Times*, May 10th.
[2] Pittsburgh *Chronicle*, May 15th.
[3] In an article by H. J. Eckenrode entitled "The Political Reconstruction of Virginia," published in the Johns Hopkins University

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Northern people who were following the convention in the newspapers were being deceived, declared the writer from whom we have been quoting. They did not know that on the evening of the 13th of May a meeting of citizens and delegates was held where it was urged that West Virginia should stand neutral in the coming conflict, as the North could not expect West Virginians to slaughter their Virginia brethren. With such feeling existing, remarks the correspondent, it could scarcely be the duty of the Federal Government to protect this section from the Secessionists, and unless there was a sudden change of heart the fate of West Virginia was sealed and the country would be overrun with Union troops.[1]

The adjournment of the convention without taking decisive measures to insure West Virginia's place in the Union was the source of much dissatisfaction in the North. The press supporting the administration agreed that a more disappointing gathering could scarcely have been held. Since not even a provisional government had been formed, Virginia would have to be considered a unit in carrying out its hostile program and West Virginia would suffer with the rest. It was a common criticism that a disproportionate amount of

Studies, Vol. 22, pp. 295-414, the author states that the May convention adjourned because of dissatisfaction with the unequal method of representation employed, which was inadequate for the election of responsible men. This may possibly have contributed to the lack of a spirit of coöperation among the members, but there were many other and far more potent reasons for discontent.

[1] Pittsburgh *Chronicle*, May 16th.

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time had been spent in making speeches; even the most loyal of the delegates seemed to be willing to give little more than lip service to the Union cause. Moreover it was a rude shock to those who had been informed that the western Virginians were loyal to a man to discover that this loyalty was inspired by the fear of what would happen to them in case they acquiesced in the course of the state authorities at Richmond. There were many allusions to "hanging as the probable reward of exercising the bold resolve of recurring to their original rights and showing off an allegiance to the state government." [1]

There was a marked difference of opinion in the North as to the course which the western counties should pursue. Conservative papers agreed that the United States Constitution could not be stretched enough to allow a new state to be formed in Virginia. Besides, the loyalty of the west was far from assured, as the presence of Secessionists in the convention showed. The feeling which did exist in West Virginia favoring the division of the state was inspired not by love of the Union but by the remembrance of old sectional difficulties.[2] The admission of a new state

[1] New York *Times*, *World*, Cincinnati *Commercial*.

[2] The New York *World*, May 14, 1861, discussed the constitutional question at some length. "The Constitution of the United States Article 4 Section 4 expressly provides that no new state shall be formed or erected within the jurisdiction of any other state. The state legislature having affirmed the right of secession, might indeed be consistent enough to allow the western counties to cut loose, but the admission in the Constitution of a right to divide a state or the exercise by the western counties of the privilege of secession to the North if conceded

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formed out of Virginia at this time would be a tacit recognition of the actual secession of the Southern states and this was exactly what the Lincoln government wished to avoid. So long as Virginia was officially recognized as still being a state of the Federal Union, her legislature must be the only legislature that could be recognized under the Constitution. A legislative body could not commit treason, although its members might. If the legislature of Virginia in session at Richmond could be induced to give its consent to the separation of the western counties, everything would be regular and constitutional. But until that very improbable event occurred there was no way by which West Virginia could have anything but a provisional government of her own.[1]

to them would be an admission of the principle of secession. For the government to admit it now would be to admit both the principle and its ridiculous consequences; for if a state may secede why not part of a state? If part of a state, why not a county, city, or village? We do not suppose that a new state government will actually be erected in West Virginia and if not, the question of its recognition by Congress is of no practical consequence. The course of proceeding proper to be adopted by the Federal Government in case West Virginia should attempt to organize a state government does not involve the question of erecting a new state within the territorial limits of another state. During the pendency of the contest we should hold it by the laws of war as a conquest from the enemy and either govern it or permit it to govern itself as a territory. . . . If the war terminates in the maintenance of the Union Virginia will retain her territorial limits unimpaired. If the rebellion should prevail, we might hold West Virginia as a conquest made during the war."

[1] Pittsburgh *Gazette;* Providence (R. I.) *Journal.* The Buffalo *Express* dissented from this opinion and held that the only loyal legislature would be one composed of western members. This body could legally give its consent to the division of the state. The New York *Herald* agreed with this opinion. In his

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charge to the Grand Jury at Wheeling, May 10th, Judge Thompson declared that "it would be . . . unseasonable and the most guilty ambition . . . to permit . . . the division of the state by lawless insurrectionary movements; to break the constitution to save the constitution. . . . Whoever attempts and makes any overt acts toward establishing without authority of the state legislature any government within the limits of the state separate from the existing government, or shall hold or execute any office in such usurped government, or shall profess allegiance or fidelity to it, or shall resist the execution of the laws . . . is guilty of treason. No man can strike at the sovereignty of the state without striking at the welfare of and sovereignty of the Union."—Wheeling *Intelligencer*, May 11, 1861.

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CHAPTER XII

THE JUNE CONVENTION

From the adjournment of the May convention to the assembling of the convention in June the Central Committee engaged in a strenuous publicity campaign. Addresses, written by Carlile in his most fervid style, were scattered broadcast throughout the northwestern counties. It is significant to observe that the question of separation from Virginia was not even hinted at. The action of the Richmond Secessionists was denounced and the loyal people were urged to repudiate their treasonable proceedings. We seek in vain for any reference to the movement on foot looking toward the setting up of a new state. Carlile had evidently learned a lesson in the meeting which had just closed. Never again did he heartily espouse the cause.

The months of May and June were stirring ones in western Virginia. Realizing that the region was debatable ground, both the Northern and the Southern governments sent in troops. The Confederates were on the ground first, but their companies were composed for the most part of native Virginians. Grafton was held for several days by a Confederate force, while all

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the country to the south was overrun by Southern troops.

The contest over the occupation of West Virginia had scarcely begun when the day came around for the meeting of the June convention. On the afternoon of June 11th eighty-two men presented their credentials as members of the convention. Of these, twenty-five were entitled to seats as state Senators or members of the House of Delegates. Twenty-seven counties of West Virginia were represented—not a very good showing when the work of the Central Committee is considered. How the delegates were elected remains a mystery. The organization which provided for the election was of course an extra-legal one, and it is certain that in many cases not even the form of an election was gone through with. No one believes that the people of Alexandria or of Fairfax County held an open election for representatives to a Union convention. The documents submitted to the committee on credentials would make interesting reading if they could be found. Who conducted the election? In the extreme northwestern counties the county officials attested to the genuineness of the election, but we know that in the great majority of cases the local officers were the supporters of the regular state government, and would not countenance any revolutionary proceeding like the Wheeling conventions.[1] It is not necessary for us at

[1] There is abundant testimony in support of this. A number of speakers in the convention bore witness to the fact that the civil officials of the counties were Secessionists almost to a man. One representative from Randolph County declared that "before

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this day to condemn the irregularity of the proceedings which we have been discussing, but we must, nevertheless, recognize the fact that they were irregular and had their justification in expediency alone.

The course to be followed by the convention was not easily determined. It could organize a temporary government and call upon the United States authorities for protection, but the leaders feared that by so doing their plan of forming a new state would receive a setback. Once a majority of the delegates were brought over to their side and the first steps toward a division of the state were taken, Congress would not dare refuse them admission and enough loyal people could be found to ratify the action.

Advice was plentiful.[1] The Boston *Post* warned the members that the North was opposed to any talk of a division of the state so long as the loyalty of the people in the proposed new state was in doubt. Their chief aim should be to keep Virginia in the Union if possible. The present situation, the leaders were re-

the advance of the Union troops nearly every judge of our courts, nearly every prosecuting attorney, many of the justices of the peace, the majority of our sheriffs, many of the commissioners of the revenue, and all classes and grades of civil officers had fled to Richmond." Mr. West of Wetzel County admitted that in his county, where a majority of seven hundred had been given against the ordinance of secession, all the officers were Secessionists.

[1] The general impression seemed to be that the convention would take no steps toward forming a new state. Even the Wheeling *Intelligencer* was opposed to it, declaring that too many counties were overrun by Secessionists. Another difficulty was the desire of the Federal Government to restore every state government to what it had been before the war broke out.

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minded, was like that existing in Virginia in 1775 when the Governor abdicated. Just as soon as a provisional government was established in West Virginia, the case would be the same as the one in Rhode Island in 1844 when there were two governors. At that time President Tyler recognized the minority government of King and the Supreme Court upheld this decision, declaring that the President of the United States had power to decide which government should be recognized. Consequently the President could use his discretion in the present situation. In this manner the state of Virginia might be kept in the Union by her own people. The New York *World* advised the convention to declare itself the government of Virginia. No violence or summary action would be necessary if this were done. While it was probable that Virginia would at some time be divided, such a course was not to be thought of now.

The Wheeling *Intelligencer* outlined a plan which became the one adopted by the convention. All state offices were to be declared vacant and then filled with loyal men. The Federal authorities should be asked to recognize these new officers; the convention should remain in session for three or four weeks and the members be paid out of the funds belonging to the state.[1]

After the permanent organization of the convention was effected, with Arthur I. Boreman as President,

[1] On July 1st Pierpoint, who had been elected provisional governor, sent a company of soldiers to Weston to take possession of $30,000 of state money lying there in a bank.—Wheeling *Intelligencer*, July 3rd.

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Gibson L. Cranmer as Secretary, and Thomas Hornbrook as Sergeant-at-Arms, all members were required to take an oath to "support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the ordinances of the convention which assembled in Richmond on the 13th of February last to the contrary notwithstanding."[1] With the appointment of a business committee the preliminary work was completed and the convention applied itself to the problems at hand.

The first resolution offered, by Dr. Dorsey of Monongalia County, was one committing the convention to a course which would culminate in the erection of a new state. Any county which gave the slightest indication of a desire to join the movement was to be admitted. The loyal legislature should be asked to give its consent, and this done, Congress was to be requested to admit this loyal group of counties as a new state in the Union. It was claimed that this mode of procedure was preferable to that of reconstructing the old state government, because it did not "impose upon them the calamity of an overburdened state debt, no part of which we owe in equity, or the scarcely less disastrous calamity of repudiating that debt and thus ruining the credit of the state." Just how the new state, if admitted, would be relieved of any obligation to pay her share of the state debt contracted when the state was undivided, does not seem clear. As a part of the

[1] Mr. Laidley of Cabell County refused to take the oath and left the convention.

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state of Virginia or as a separate state formed, as it could only be with the consent of Virginia, her liability was the same. The holders of the bonds were not interested in the question of how or where the money was spent. They had bought them in good faith and for their redemption trusted to the honor of Virginia.[1]

June 13th the business committee reported a "Declaration of the People of Virginia," which was made the order for the next day. It stated that when any form of government was found to be inadequate for the true purpose of government, it was the right and duty of the people to alter or abolish it. The Virginia Bill of Rights reserved this power to a majority of the people, which, said Carlile, was the sacred right of revolution. The scheme as outlined provided that the

[1] The New York *Commercial Advertiser*, representing Wall Street holders of Virginia bonds, was very much concerned over the prospect of having Virginia bisected. Constitutionally the western counties had no right to secede and the people should not furnish Charleston and Richmond with an argument which might be employed with fatal effect against the Federal Government. Only two sevenths of the delegates were in favor of dividing the state, declares the *Advertiser*, basing this estimate upon a vote taken tabling a resolution that separation from Virginia was one of the leading objects of the convention.

It was the general feeling that Wall Street was lobbying in Wheeling against the new state project. The Morgantown *Star*, July 1st, came out with the charge that the members of the Wheeling Convention had been unduly influenced by emissaries of the New York capitalists holding Virginia bonds. These bondholders knew that if the west broke away and repudiated the old debt, their bonds were worthless.

To this the Wheeling *Intelligencer* replied, July 3rd: "The debt belongs geographically to both what is and what would have been Virginia, had we divided—and the people of no county or section could rid themselves of their liability for it any more than A could escape the incurred debts of the firm of A and B simply by withdrawing from the partnership."

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convention should declare all state offices vacant and then proceed to the reconstruction of the state. Dr. Dorsey took the floor against this plan and advocated calling together the loyal members of the legislature and asking them to give their consent to the division of the state. Both plans were revolutionary, the speaker declared, but this plan had the merit of directness while the other, if adopted, would give the opponents of the new state a chance to organize and check further action. As for the general government, it could recognize a provisional government no more easily than it could admit West Virginia as a state. Carlile, who was gradually turning away from the new state proposition, suggested that the matter be hushed up for the present, because the New York capitalists might use their influence at Washington to obstruct the progress of the measure in Congress. "Two great objects," said Carlile, "influence and govern my actions. The first I am free to say—the dearest and nearest my heart—is the perpetuity of the Union." The Declaration was passed by unanimous vote.[1]

On the 18th a discussion was precipitated by Mr. Farnsworth of Upshur County, who desired that the convention inform the President and the Cabinet that it was the object of the convention to form a new state in the Union. Carlile and Dorsey, who had previously railed against the delegates for not taking radical action, now took the opposite ground and advised their

[1] Wheeling *Intelligencer*, June 14th. When this vote was taken there were only fifty-six delegates present.

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colleagues to proceed slowly. Dorsey had become convinced *over night* that the time was not ripe for a separation. Such a step would only embarrass the general government at a time when it had enough problems to face, declared Carlile. "If we could divide the state today who would do so under existing circumstances? When we are trying now to resist this attempt at transferring us to a rebellious government, shall we be distracted with matters *of secondary importance, as all must admit this question of separation to be at this hour?*" [1] A resolution was tabled by a vote of fifty to seventeen, and the subject of dividing Virginia was not discussed further in the June convention.[2]

On the 19th of June, 1861, just two years before West Virginia was formally admitted into the Union, the ordinance for the reorganization of the state government was adopted by the unanimous vote of the seventy-six delegates present.[3] It assumed to speak

[1] Granville Hall, "The Rending of Virginia," p. 323. Compare this with Carlile's speech in the earlier convention: "It is represented that a proposition looking to a separate state government is revolutionary. I deny it. It is the only legal, constitutional remedy left this people if they do not approve the action of the Virginia Convention. . . . It is said we are not prepared for such action. When will we be better prepared? If this action be our constitutional right, who will dare to say that anywhere within the limits of this Union any man is authorized to resist such action? Who dare to say that this remedy can be exercised only by virtue of force? We will never be in a state of preparation if we are not now."—Wheeling *Intelligencer*, May 15th.

[2] *Ibid.*

[3] A proposition was rejected to make ineligible for office under the new government any person who had voted for the ratification of the ordinance of secession.

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for the people of Virginia [1] by whom, it was declared, the convention had been called.[2] A Governor, Lieutenant Governor and Attorney General were to be appointed by the convention, to continue in office for six months. At the end of that time the General Assembly should provide for a regular election. An Executive Council of five was to be chosen to consult with the Governor.[3] The most important provision was that constituting a General Assembly consisting of the Senators and delegates elected at the regular time in May, together with any who might be chosen under the ordinances of the convention. This body was to assemble in Wheeling July 1st and proceed to organize as prescribed by the existing laws. That the proceeding was altogether irregular is brought out clearly in the following clause: "A majority of the members of each branch thus qualified . . . shall be competent to pass any act specified in the twenty-seventh section of the fourth article of the constitution." (This section provides for the creation or discharge of any state debt.) It is difficult to understand why any such authorization was necessary. If, as the convention assumed, the General Assembly thus constituted was the only legal legislative body of Virginia, why specify what powers it could exercise when such powers were clearly

[1] The delegates represented approximately 200,000 people, about one-fifth of the white population of the state.

[2] The state constitution, which is still in force, vested the power of calling conventions in the General Assembly.

[3] The creation of such office was in disregard of the constitution of 1851, which had abolished the Governor's Council.

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enumerated in the constitution of the state? How could the constitution of Virginia be acknowledged as the law of the state under one set of conditions and repudiated in another? Grant that West Virginia was exercising her right of revolution and the difficulty still remained. If the government of Virginia had been overturned, the makers of the new state must begin with a clean slate and construct a government from the ground up. The fact that the convention thought it essential specifically to authorize the assembly to create a state debt is a virtual admission of the weakness of its position.

All county and state officers were to take the oath of allegiance to the United States Government. If any refused to do this the Governor should provide for a special election to fill the vacancy. Where no officers could be found to conduct the election, the Governor was given the power to make permanent appointments.[1] Acting under this ordinance, the convention proceeded to the election of officers which resulted as follows: Governor, F. H. Pierpoint; Lieutenant Governor, Daniel Polsley; Governor's Council, Messrs. Van Winkle, Harrison, Leasure, Lamb, and Paxton.[2]

On the 25th the convention adjourned to meet August 6th. A long address had been drawn up and was now sent throughout the state. In part it is important

[1] A more arbitrary measure could scarcely have been conceived.
[2] On the following Saturday James S. Wheat was elected Attorney-General.

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enough to be repeated: "The delegates now assembled in convention at Wheeling deem it proper to address their fellow citizens throughout the commonwealth in explanation and vindication of the course they have unanimously felt it incumbent upon them to pursue." Then follows a review of the events in the Richmond Convention and the excitement of the ensuing weeks. "In this state of things the day arrived when the people were to vote for or against the secession ordinance. Threats of personal injury . . . or other intimidations were used in every county in the state. Judges charged the Grand Juries that opposition to this Union would be punished as treason and the armed partisans of the conspirators arrested, plundered, and exiled peaceable citizens for no other crime than their adherence to the Union." The question of the May and June conventions was discussed and it was asserted that while the first gathering was irregular the June convention was legal.[1] "The number of counties represented is thirty-four and we have assurance that several which are now with us in spirit will ere long be present by their regularly appointed delegates. Several of the delegates present escaped from their counties at the risk of their lives while others are still detained at home by force or menace.[2] Two courses of

[1] It would seem that since the second convention had been called together by the first, they would be equally irregular.

[2] If the counties where such things occurred were so strongly in sympathy with the Southern cause, they did not deserve to take part in the Wheeling movement. In no sense of the word could the delegates from these counties be said to represent the counties at all, since the people were opposed to the convention.

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action were presented. . . . The first was the immediate separation of the western or northwestern counties from the residue of the state. This was the result rather of a previous and growing conviction . . . that diversity, almost opposition of interests, different directions of the channels of trade, and the want of legislation adapted to their needs rendered the separation desirable under any and all circumstances." It is confessed that the state of war prevented the exact fulfillment of constitutional requirements, but precedents existed for the assumption by the people of those powers entrusted to the state officers and now surrendered by them. The members of this convention "have in the name and behalf of the good people of Virginia issued their declaration that the preservation of their dearest rights and liberties and their security in person and property demand the organization of the government of the commonwealth." The process of reconstruction was described and *the promise made to assume their share of the state debt.* All loyal citizens should arm themselves against the Richmond conspirators:

"The reorganized government appeals to the great body of people for support in this hour of anxiety and trial. . . . Your own experience has taught you the great benefits of the Union and you recognize the principle that a government so beneficial in its operations should not be changed for light or transient causes. Persevere then in your most holy war against the corrupt oligarchy who have usurped your government." [1]

[1] The address is printed in full in the *National Intelligencer*, July 26, 1861.

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The June convention cleared the ground for the erection of the new state. Just what proportion of its members were opposed to the disruption of Virginia cannot be determined. That they were inclined to more radical actions than the delegates in the May convention is undoubted, although Carlile's defection was a serious loss. The ultra-conservatives of the first gathering, men like Willey and Jackson, were not present in the June convention and they had no prominent successors. The moderate course pursued was directed by motives of policy and not from a conviction that the separation from Virginia was undesirable. Many people were deceived into believing that all thought of breaking away from the east had been given up.[1] This was far from being the truth for, as a matter of fact, the ruling clique had laid out a definite plan of campaign. The precipitant course so strongly urged by Carlile in the first convention and by Dorsey in the second convention was not taken up because it was felt that to pursue openly a plan of this kind would only serve to arouse the opponents of the new state in Wall Street, in Congress, and in the state itself. The oligarchical nature of the new provisional government made it possible for the leaders to carry on their work with the utmost secrecy, and the absolute indifference of the northwestern counties to what the Pierpoint government was doing made it easy for the self-ap-

[1] The Pittsburgh *Chronicle*, June 10th, stated that it had received reliable information to the effect that the idea of dividing Virginia had been abandoned.

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pointed officials to remain in undisputed possession of the government.[1]

On July 2, 1861, there assembled in Wheeling a nondescript body calling itself the legislature of Virginia. No record of its proceedings has ever come to light and only the vaguest information is obtainable regarding its actions. According to the laws of Virginia, elections for Senators and delegates to the General Assembly were to occur on the fourth Thursday of May every second year. The ordinance passed by the Richmond Convention April 17, 1861, while forbidding the election of representatives to Congress, said nothing regarding the election of members to the state legislature. Thus on the 23rd of May, while the people were ratifying the ordinance of secession, they also elected a new Assembly. Then came the establishment of the Wheeling government and the call by "Governor" Pierpoint for the assembling of the legislature. Richmond was the place designated by the constitution for the holding of legislative sessions, and while the

[1] The Morgantown *Star* became a strong opponent of the provisional government and declared that the members of the convention had been bought off by New York brokers backed up by the Secessionists. West Virginia had always been cursed with conventions, whether held in Richmond or Wheeling.

The provisional government was not recognized in many of the western counties. A circular letter from Lewis County was sent around June 13th, urging a counter-convention to be held at Lewisburg for the purpose of checkmating the Wheeling government.

The Wheeling *Intelligencer* reports on July 30th that the counties were taking up the work of reorganization very slowly. It comments sorrowfully on the fact that the defeat of the North at Bull Run was being wildly celebrated throughout the central and southern parts of West Virginia.

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Governor was empowered to call extra sessions he could not change the capital from one city to another. However the new-state officials could leap over this constitutional barrier as easily as they had brushed aside others. To act first and discuss later was their very effective mode of procedure, and to their strict adherence to this plan can the formation of the state of West Virginia be attributed.

The Wheeling newspapers are strangely silent as to the doings of the rump legislature. They do not give even the names of the Senators and delegates who were present or what districts were represented.[1] Granville Hall,[2] the great apologist for the whole movement, passes over the subject in a most summary fashion. Judging from the number of votes cast in the election of United States Senators it seems probable that the largest number of Senators and delegates in the first session of the loyal legislature never exceeded thirty-eight.[3]

[1] At the opening session three Senators were present: Joseph Gist, representing the Panhandle district; James Carskardon from the district composed of Hampshire, Hardy and Morgan counties; and C. J. Stuart, representing Ritchie, Doddridge, Harrison, Pleasants, and Wood counties. Twelve members of the House of Delegates answered the roll call the opening day. On the second day it was announced that a quorum was present. On the 26th of July the Wheeling *Intelligencer* says, editorially: "We would be glad if they would settle the question among themselves down there as to whether or not they really are the Legislature of Virginia. This little question has been up in nearly all the discussions of the House and we hope some conclusion may be reached before adjournment."

[2] Author of "The Rending of Virginia."

[3] The constitutional number was 206, so the unrepresentative character of this body is apparent.

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In the House of Delegates organization was effected after the manner of revolutionary, not constitutional, bodies. One of the members called the meeting to order; a temporary chairman was chosen, and finally permanent officers were selected. In the Senate "Lieutenant Governor" Polsley presided. It is not known how many Senators were present at this time but it is not likely that more than eight ever appeared. On the opening day the Governor's message was read. It was merely a re-hash of preceding documents. The *late* executive of the state and a large part of the state officials had declared war on the loyal people of Virginia and on the United States Government. This, so the message ran, was the result of the hammering process which had been carried on in the South for many years. Slavery was only the pretext and not the cause of the war. Virginia had been betrayed in Richmond and the loyal voters of the state were not able to make their votes count, because of the practice of intimidation which had been carried on so openly. The fate of West Virginia had been hanging in the balance and only prompt action would save her from invasion.[1] The legislature was urged to elect United States Senators and circuit judges, for it was essential that the government should be represented in Congress and that judicial officers should be holding court in the loyal

[1] June 21st Pierpoint had written to Lincoln asking for a military force to protect the loyal people of the section. Cameron, Secretary of War, was directed by the President to assure the Wheeling government that sufficient troops would be sent.—The Wheeling *Intelligencer*, June 23rd and 24th.

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counties.[1] The question of forming a new state was not even hinted at—proof enough that it had been resolved upon.[2]

The first real business of the legislature was the election of John S. Carlile and Waitman T. Willey as United States Senators. There was little opposition to Carlile, who had played a prominent part in the reorganization movement. Willey, however, had been an obstructionist in the May convention and had displayed his disapproval of the second convention by remaining away altogether. Why he should have been chosen over other men no less able and assuredly more loyal is difficult to understand. It is probable that his

[1] There were few if any loyal judges left in Virginia. Judge Thompson sent a protest to the Senate and to the Supreme Court of the United States denouncing the actions of the usurped government in declaring his office vacant, notwithstanding the fact that he had at all times on the bench and in public addresses upheld the Constitution of the United States and had pronounced the ordinance of secession null and void. The Wheeling government, he declared, was illegal in its origin and proceedings. Any recognition of it by the Federal Government would violate the spirit of the United States Constitution by interfering in the internal affairs of the state. "It is protecting them in the violation of the constitution of the state in taking from the people the right to elect their Governor and Lieutenant Governor, sustaining a fragment of a legislature without constitutional quorum; in protecting and enforcing the laws of a legislature which does not in a legal or constitutional manner embrace one-twentieth of the . . . legislative jurisdiction of the state. . . . Venality, profligacy, and the ambition of a few men in political combination . . . have led us far onward to destruction."

Judge Thompson was a most unsuccessful straddler. In Wheeling he was treated as a Secessionist sympathizer while the Richmond legislature refused to pay him his salary because he had pronounced the ordinance of secession null and void.—Documents of Virginia 1861–62, Part 5, No. 52.

[2] Wheeling *Intelligencer*, July 3, 1861.

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coöperation was desired and that the senatorship was handed to him as a sort of bribe. Furthermore, it is likely that Willey's conservative opinions found a response in the legislature, which preferred to have as its representatives men with moderate ideas.

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CHAPTER XIII

WEST VIRGINIA BEFORE CONGRESS

JULY 4, 1861, Congress assembled in special session. The President's message received more than usual attention, for it was felt that the administration policy would be clearly defined. Mr. Lincoln condemned in unmeasured terms the action of the Richmond Convention in passing an ordinance of secession, but the subsequent proceedings of the Virginia leaders, their seizure of the United States arsenal at Harper's Ferry and the navy yard at Gosport he denounced even more severely. His closing words on this subject are significant: "The people of Virginia have thus allowed this great insurrection to make its nest within her borders, and this government has no choice left but to deal with it wherever it finds it . . . and it has the less regret as the loyal citizens have in due form claimed its protection. These loyal citizens this government is bound to recognize and protect as being Virginia." [1]

In the House of Representatives while the roll was being called Mr. Burnett gave notice that he was going to move to strike from the roll of the House the names of the five representatives from Virginia.[2] These men,

[1] "Messages and Papers of the Presidents," Vol. VI, p. 24.
[2] These were Messrs. Upton, Brown, Whaley, Carlile, and Pendleton.

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he declared, had been elected the preceding May 23rd, which was all right if Virginia was still in the Union. Otherwise they should be recognized as delegates. Carlile [1] explained that he had been elected regularly as prescribed by law and the only possible question which could arise was whether the ordinance annulling the election was to be considered valid. Mr. Burnett affirmed that it was because a state could prescribe the mode, manner, and time of holding elections that he had brought the present matter up. Carlile granted that the state had this power, but raised the point that no action of the Richmond Convention was to be binding until ratified by the people. Since the vote on ratification and the election of representatives to Congress fell on the same day, it was obviously impossible for the people to have consented to the abrogation of the regular election laws. Burnett's motion failed and the Virginia delegates thereupon took their seats in the House.[2]

In the Senate a more serious conflict took place. The admission by the House of the five Virginia representatives did not commit that body to anything more than the refusal to recognize the legality of a certain act passed by the Richmond Convention. The Senate faced a different problem. Carlile and Willey had been sent to the Senate by a body which called itself the legislature of Virginia, but whose right to do so not many

[1] Carlile had been elected to the House at the regular time in May before the meeting of the Wheeling legislature.

[2] *Congressional Globe;* 1st Session, 37th Congress, Appendix, pp. 5-6.

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people would uphold. Even granting that it contained the only part of the legislature which could be recognized by the Federal Government as loyal, there still remained the question whether thirty-eight men could legally constitute an assembly in a state where the constitution required seventy-nine for a quorum in one house and twenty-six in the other. If the state constitution was still in force the delegates and Senators sitting at Wheeling could not rightfully designate themselves the General Assembly of Virginia. If Virginia's secession from the Union was legal, then the state as a whole had severed its relation with the United States and the western section was bound by the act. According to Lincoln's announced policy, none of the Confederate states had seceded because secession was unconstitutional. This being the case, the constitution of Virginia must still be in force and the General Assembly at Richmond was the only true legislative body in the state. The Wheeling government could be recognized as the *de facto* government, but it had been set up by an original act of revolution and the handful of Senators and delegates it called together composed merely a provisional legislature deriving its power from the loyal people of the northwestern counties. This assembly might send delegates to Congress in the same manner that people in an unorganized territory sent delegates, for the purpose of obtaining recognition from the central government. Carlile and Willey, however, presented their credentials as Senators from Virginia elected by the legislature in the ordinary manner and

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certified to by a man who called himself Governor of Virginia.[1]

Senator Bayard of Delaware protested that the question of recognition involved a constitutional point which was worthy of slow deliberation and asked that the matter be referred to the Committee on Judiciary. Saulsbury of Maryland supported this motion and said, furthermore, that at the time the Wheeling legislature had elected Carlile and Willey no vacancies existed, since Hunter and Mason had not been expelled from the Senate until the 11th of July, whereas Carlile and Willey had been elected on the 9th. Andrew Johnson, who stood sponsor for the new Senators from Virginia, wished to brush aside all legal questions and admit them on the evidence of their credentials. He argued that Hunter and Mason had vacated their seats before the 9th of July and thus actual vacancies did exist. Senator Trumbull said that they should not "stick in the bark" when such vital issues were presented. Besides, it was customary for the legislature to elect Senators before vacancies existed.[2] The new Senators were here

[1] The credentials read as follows: "The legislature of this state having on the ninth day of July, 1861, in pursuance of the Constitution of the United States, chosen Waitman T. Willey a Senator of this state to fill the vacancy which has happened by the withdrawal and abdication of James M. Mason, Esq., I, Francis H. Pierpoint, being Governor of the Commonwealth, do hereby certify the same to the Senate of the United States.—Given under my hand and seal of the Commonwealth this 9th day of July, 1861."

The June convention had taken upon itself to adopt a new seal for Virginia.

[2] The sophistry of this argument is easily perceived. The terms of Hunter and Mason did not expire for some time, and

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representing the loyal people of a disloyal state, and why look beneath the surface?

Senator Hale was equally desirous of disregarding precedents, while Senator Collamer held that the recognition of the new government of Virginia by the President gave it legal existence as the *de facto* government. It was no part of the duty of the Senate to enquire into the internal affairs of a state unless called upon to do so by contesting claimants.

Bayard summed up the arguments against the admission of Carlile and Willey. A Senator of the United States was elected for six years and no state authority could shorten his term of office. Though elected by the legislature, he was not under its control when it came to the conduct of the office. The Senate, acting within its rights, expelled Messrs. Mason and Hunter, but the legislature of Virginia, even supposing it to be a legal legislature, could not anticipate the action of the Senate, which was sole judge of the qualifications of its own members. The Executive had held that Virginia was still in the Union, since no state had the right to secede. It then followed that the state constitution was still in force; Letcher was the Governor of Virginia, and any credentials presented to be valid must be signed by him. Mr. Bayard and those who supported him realized that their opposition would be of no avail, because the administration had laid out

no legislature could recognize a vacancy which only existed prospectively. The Senate, not the legislature, has the right to expel. For any legislature so to act would be assuming to itself the right of recall.

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a course of action regarding the seceded states and would not be swerved from that action by mere force of argument. Constitutionality must be sacrified to expediency.

The motion to refer the case was lost five to thirty-five [1] and the new Senators were sworn in as the successors of Mason and Hunter.

The Wheeling government had now been officially recognized by the President and Congress as the government of the whole state of Virginia. There were doubtless some persons among those sustaining the President's course who feared that a precedent might have been established which set aside the Constitution of the United States and interfered in the internal affairs of a state. But it seemed to be the general feeling, in Congress at least, that it was indeed no time to "stick in the bark." If the constitution could be preserved by liberal interpretation of its provisions, that was infinitely better than running the risk of having the Union destroyed altogether by adherence to a narrow construction. To gain a foothold in Virginia would give the North a decided advantage, especially as the occupied portion was supposedly loyal to the North. The situation in Tennessee and North Carolina might at some time be similar to the one existing in Virginia, and if the loyal citizens in these states should act as did the western Virginians and claim

[1] Those voting aye were Bayard of Delaware, Bright of Indiana, Polk of Missouri, Howell of Kentucky, and Saulsbury of Maryland.

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recognition and protection it would be a very short-sighted policy on the part of the administration to refuse to take advantage of the opportunity thus offered. While we may sympathize with the Republican leaders in Congress in their treatment of the West Virginia question in its earlier stages, their later actions are of even more doubtful legality and are in a sense deserving of condemnation. The recognition of the provisional government at Wheeling and the admission of West Virginia as a separate state are two very different matters.

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CHAPTER XIV

THE WEST VIRGINIA ORDINANCE

The second Wheeling Convention had adjourned to meet August 6th and it soon became apparent that the only business which would occupy the attention of the adjourned meeting would be that of dividing the state. Opposition had been crystallizing and the element which had before opposed hasty action on the new-state proposition now opposed it altogether.[1] July 22nd the matter was debated in the House of Delegates. A bill giving the consent of the General Assembly *in advance* was brought in. It declared that the people of the western counties desired to break away from Virginia. Congress had shown a willingness to favor the loyal people of Virginia and would throw no obstacles in the path of the new state. The act, if passed, would give the convention power to erect a new state, providing certain boundaries were adhered to. It was further stipulated that provision should be made for the assumption by the new state of a share of the state debt contracted before May 23, 1861, and that other counties not included in the original draft should be per-

[1] The Wheeling *Intelligencer* made the accusation that the officers of the reorganized state were working against the setting-up of a state separate from Virginia.

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mitted to vote on the question of uniting with their sister counties of the west.[1] The convention was to make necessary arrangements for drawing up a constitution which should be submitted to the people of the proposed state.

Mr. West, who had hitherto been in the front rank of the West Virginia advocates, disclosed the fact that he had undergone a change in opinion. He declared that the Assembly was the place where such a movement should originate, especially as *every member of the legislature was a member of the convention.* Most important of all is his statement that the people of West Virginia were changing their minds in the matter of cutting loose from Virginia and now there was grave doubt if the majority in any county was in favor of separation. This view was sustained by another member, who was frank enough to admit that he was in doubt as to whether or not their body could legally give its consent to the formation of a new state. Pass-

[1] The boundary of the new state was to run from Tug Fork of the Big Sandy River on the Kentucky line to the dividing line between Buckhannan and Laban counties; then from the dividing line between Wyoming and McDowell to the Great Flat Mountains along the boundaries of Raleigh, Mercer, Fayette, Nicholas, Greenbrier, Webster, Pocahontas, Randolph, Pendleton, and Highland counties to the Shenandoah Mountains. The line then ran between the counties of Pendleton and Rockingham, Hardy and Shenandoah, Hampshire and Frederick, Morgan and Berkeley to the state line of Maryland.—Wheeling *Intelligencer,* July 23rd.

The editor of this paper argned against the inclusion of known Secessionist counties. "If their people are hostile, the new state would perhaps be worth more without than with them. . . . Coercion is necessary in suppressing a rebellion, but forcing people into a new government is not suppressing rebellion."—Aug. 14, 1861.

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ing by the legal question, there was still remaining that of expediency. Not more than one fifth of the people of Virginia were represented and not more than one half of the one fifth desired the division of the state. One of the advocates of separation, Mr. Snyder of Monongalia County, retorted that if he represented no more of a constituency than did some of the other gentlemen on the floor *he could sit down and write to every one of them in fifteen minutes* asking their opinion on the point under discussion. The people who had sent him desired immediate separation. If the present legislature could do one thing it could do another. Mr. Snyder closed with the declaration that some of the members had been bought up.

No further action was taken at this session and the legislature adjourned July 26th.

On August 6th the convention reassembled. Delegates from thirty-one counties were present.[1] After the preliminary business had been disposed of, a committee consisting of one member from each county represented was appointed to take up the questions of the division of the state and the confiscation of rebel property. The latter proposition caused many heart-burnings for, while many held that the action would be entirely justifiable, there were some who believed that

[1] The counties represented were Hancock, Ohio, Brooke, Marshall, Wetzel, Marion, Monongalia, Wayne, Mason, Jackson, Wood, Tyler, Doddridge, Pleasants, Ritchie, Jefferson, Taylor, Hardy, Preston, Fairfax, Tucker, Hampshire, Randolph, Kanawha, Barbour, Wirt, Upshur, Harrison, Gilmer, and Lewis. The town of Alexandria was represented by Mr. Miner.

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its ultimate effect would be unfortunate. The outlook for the Confederacy was bright and it seemed more than likely that the South might make good its position, a result which might prove a source of embarrassment to West Virginia.

Farnsworth, another new-state man, astonished the convention by making a motion to adjourn *sine die*. The legislature, said he, had gone on record as opposed to the division of the state and nothing could be done without its consent. The motion was lost, *for the legislature itself was now sitting as a convention* and the delegates had explained satisfactorily their reasons for refusing assent in advance. A resolution was offered providing for the formation of a new state from Tennessee to the top of the Alleghany Mountains to the Maryland border. Carlile, whose prestige was enhanced by his senatorial toga, took the position that it would be a mistake to include any county where the people were opposed to a division. Under the provision of the above proposal, a number of such counties would become part of a state with which they were entirely out of sympathy. Far better would it be to make the new state smaller and more united in opinion. His views were embodied in a resolution presented August 9th, whereby the new state should consist of thirty-eight counties all lying west of the Alleghanies. Any county contiguous to the enumerated counties could by a popular vote annex itself to the new state.[1]

[1] Wheeling *Intelligencer*, Aug. 7th. The *Intelligencer* endorsed Carlile's views, declaring that a voluntary association of thirty

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Some of the delegates were skeptical of any scheme which included the taking of a vote of the people. The legislature and the convention, said Mr. Stewart of Doddridge County, were for all practical purposes the people, and if they had gone thus far *with no popular sanction* they could proceed just as far as was necessary in order to carry out their plan. *He challenged any person to point to a solitary act that had even authorized them to assemble* for the purpose of breaking away from Virginia. It was true that this idea had been in the minds of many people, but no one present could present instructions from his constituents urging him to work for separation. As for himself, he did not believe the matter had ever been thought of by the people who elected him. If the convention was resolved to form a new state, let it do so without the farce of a popular election.[1]

The ordinance presented by the Committee on Division showed that the large-state advocates had triumphed in the committee. The boundary line was to be drawn from the Tennessee line through the valley of Virginia to the boundary between Frederick County and Prince William County on the Potomac River. A more arbitrary line of division could scarcely have been conceived. No real natural boundaries existed between the proposed new state and old Virginia under the ordinance outlined. To provide against certain rejection

counties was far better than an association of sixty unwilling counties.

[1] Wheeling *Intelligencer*, Aug. 8th.

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in at least two thirds of the counties the vote was to be taken as a whole, no county being allowed to vote as a unit. This would ensure the acceptance of the plan, for it was well understood that in few counties outside the northern Panhandle would the people take the matter seriously enough to vote even where a poll was permitted. The Secessionists controlled all but a few of the western counties, and it was unthinkable that they would permit a vote to be taken in those counties. The delegates favoring the above plan were frankly opportunists. It was felt that a little further stretching of the constitution and a little more disregard of popular opinion would do no harm, especially as they had the assurance that their actions would be sustained by the Federal Government. The chance to break away from Virginia might never come again and western Virginia would be compelled to endure indefinitely the oppression of the East.[1]

The opponents of division attacked vigorously the weak spots of the ordinance, asserting that not only had there been no popular uprising in favor of separation from Virginia but there was every reason for believing that public opinion was strongly against it. Furthermore, the consent of the whole people of the state had to be obtained, which, of course, was im-

[1] Mr. West was the leader of the opportunists. He favored taking in the counties whether they wished it or not; professed to be absolutely indifferent as to the fate of Virginia; and declared his opposition to any plan which did not include a large number of counties. The ordinance under consideration suited him, he said, "because it contained the grave of Washington."—Wheeling *Intelligencer*, Aug. 8th.

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possible. Congress undoubtedly had the power to admit the proposed new state, but to do so it would have to disregard constitutions and establish precedents and recognize, virtually, an act of secession.[1]

August 14th Farnsworth brought in a substitute for the committee's plan.[2] It proposed to make the Alleghanies the eastern boundary of the state, thus excluding those counties which were known to be in sympathy with the Southern cause. Boreman of Tyler County urged that it would be premature to take any action at this time since the counties were in such a disturbed condition that a full, free vote was impossible.[3] Mr. Ritchie took the position that the convention was exceeding its powers and instructions in even considering a division of the old state at this time. It had been called to reorganize the government of Virginia, an act which had been accomplished. Further proceedings would embarrass the general government and start a discussion of the slavery question. To enforce his views, Mr. Ritchie read a letter from Attorney General Bates, who said that he had talked over the situation in western Virginia with a number of officials and all agreed that the division of Virginia would be an original act of revolution. The reorganization of the state government was a strictly legal proceeding, but there the matter should rest.[4] This opinion was concurred

[1] Barnes of Marion County expressed this view, which was supported by a number of the ablest men of the convention.
[2] Wheeling *Intelligencer*, Aug. 8th.
[3] Wheeling *Press*, Aug. 8th.
[4] Wheeling *Intelligencer*, Aug. 9th.

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in by many who were not opponents of division *per se* but who doubted the expediency of the action under existing conditions. No one seriously believed, they said, that division could be accomplished constitutionally while Virginia was in rebellion against the Federal Government, and to attempt it would put up to the administration one more difficult problem to solve. More than this, it would be a cowardly act to desert the Union men in the eastern counties. While not constituting a majority in any county, the number of loyal citizens was sufficiently large to deserve consideration. As for the state debt, there was no honorable way open whereby the proposed new state could be relieved from the necessity of saddling itself with a heavy burden. If repudiation were attempted, the bondholders would check any further progress of the movement in Congress.[1]

Lieutenant Governor Polsley spoke in opposition to division. With the example of the Richmond Convention before them, they should take warning and limit themselves to the consideration of the questions which they had been called together to settle. When the ordinance of secession was adopted, the formality of a vote at least had been allowed, but even that would be practically denied if the ardent new-state men had their way. All knew that under existing conditions not one fourth of the counties could or would vote.[2] Hubbard

[1] Speech of Fontaine Smith of Marion County.—*Intelligencer*, Aug. 9th.
[2] *Ibid.*

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of Ohio County agreed that it would be selfish to consider local interests while the United States Government was in such grave peril. All loyal western Virginians should be willing to remain in the old state just as long as they could thereby benefit the general government. Senator Carlile, in answer to this, denied that the administration would be embarrassed in any way by being called upon to decide the status of the western counties. As for local sentiment, if they waited for a full representation from every county the state would never be formed. Interest was the base of all political action and was justification enough for their purpose.[1]

Daniel Lamb of Ohio County presented the case of the opposition in its clearest form. He was in favor of division just as soon as it could be accomplished in the proper manner, when a full and free expression of opinion could be obtained. It was less than two months since the reorganized government had been set up and already there were many who were not satisfied. Such haste seemed suspicious in view of the fact that there was now no danger of threatening them. Mr. Lamb was proceeding on the assumption that the reorganized government would go out of existence when the new state was admitted. He thought that after the Federal authorities had taken possession of the eastern part of

[1] Carlile had previously suggested a scheme that might be termed sharp practice. The new state was to issue bonds and with part of the proceeds buy at thirty or forty cents on the dollar enough Virginia bonds to make up their share of the indebtedness.—Granville Hall, "The Rending of Virginia," pp. 363-4.

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the state, it would be necessary to set up a government there and a clash between the two sets of officials in Virginia was inevitable.[1] It is evident that Lamb was ignorant of the fact that there was no intention to do away with the provisional government.[2] It had served a useful purpose in western Virginia, and could still be of service in reconstructing the east.

Carlile now proposed a compromise, which provided for the inclusion of the counties under the Farnsworth plan and the submission of the question to the counties individually. An amendment to this was adopted, substituting the boundaries of the original committee recommendation. The debate became heated. Carlile overstepped parliamentary bounds in referring to other members and the convention adjourned in disorder.[3]

Monday the 19th a new committee of six was appointed to agree upon some compromise measure.[4] The ordinance presented by them on the 20th became the one upon which the present state of West Virginia was founded. Thirty-nine counties were to be included and the new state should be called Kanawha. On October 24th there was to be an election, at which delegates were to be chosen to a constitutional convention and at the same time the people of Greenbrier, Pocahontas, Hardy, Hampshire, Morgan, Berkeley, and

[1] Granville Hall, "The Rending of Virginia," p. 369.
[2] Lamb objected to the word provisional. The convention had acted irregularly, but its work was a permanent one.
[3] Granville Hall, "The Rending of Virginia," p. 372.
[4] The committee was composed of Messrs. Farnsworth, Carlile, Paxton, Van Winkle, Ruffner, and Lamb.

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Jefferson counties were to be permitted to vote on the question of annexation to the new state. The state was to assume a fair proportion of that part of the Virginia debt which had been created prior to January 1, 1861.[1] Mr. Van Winkle in supporting the report of the committee explained that he himself was a recent convert to the small state plan, having been brought to see that it would be unwise to include any portion of the Valley where the people were so strongly in favor of secession.

Those favoring the large state were dissatisfied with the committee's report as were, of course, the opponents of separation under any circumstances. Neither of these factions could be brought to see that the inclusion of the Valley counties was desirable at all, although they admitted that there was some truth in the statement that the feeling against separation in some of the counties taken in by the committee's plan was no less strong than that in the counties east of the Alleghanies. Mr. Tarr succeeded in having passed a motion to include Hampshire, Hardy, Morgan, Berkeley, and Jefferson counties unconditionally. Its adoption gave rise to a bitter discussion. Carlile asserted

[1] This section reads as follows: "The new state shall take upon itself a just proportion of the public debt of the commonwealth of Virginia prior to the first day of January, 1861, to be ascertained by charging to it all state expenditures within the limits thereof and a just proportion of the ordinary expenses of the state government since any part of said debt was contracted; and deducting therefrom the monies paid into the treasury of the commonwealth from the counties included within the said new state during the same period."—Wheeling *Intelligencer*, Aug. 21st.

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that the people of these counties would be denied any choice in the matter. Hampshire and Jefferson had even voted in favor of the ratification of the ordinance of secession, and there was every reason for believing that the pro-Southern feeling was stronger now. The thirty-nine counties first included in the committee report contained few slaves, but this number would be raised by eight thousand if the resolution just adopted was not rejected. Carlile's views prevailed and Tarr's motion was reconsidered and voted down.[1] The ordinance was then adopted, fifty to twenty-eight. A number of the members voting aye explained and apologized for their action, saying that their only reason for agreeing to the ordinance was the conviction that it was the best that could be obtained at the time.[2]

The business of the convention was now over and it adjourned to meet at the call of the Governor or of the presiding officer, if such call should be made before the first Thursday of January, 1862. After that time the convention was to go out of existence automatically.

[1] Wheeling *Intelligencer*, Aug. 21st. In a letter of Carlile's to a man in Fairview, Virginia, he declares that the only West Virginia was northwestern Virginia. The remainder of the section west of the mountains was in sympathy with the east. The two western divisions of Virginia had little in common. He adds that he was surprised to find in Wheeling a strong sentiment against the division of the state.—*Ibid.*, Aug. 22nd.

[2] *Ibid.* The sections providing for the holding of the election contained some curious features. One of them states that if the county officials refused to open the polls, any two freemen could do so anywhere in the county and constitute themselves the election commissioners. The possibilities of fraud in an election conducted after this manner are too evident to require comment.

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The inside history of the convention which framed the ordinance for the state of Kanawha, as it was then called, can never be written. Only the leaders could give an intelligible explanation of the devious course pursued by them. Now that they are all gone, it seems unlikely that any light will ever be thrown upon the questions in doubt. The most astonishing thing is the rapidity with which the members were able to change their minds on propositions of the utmost importance. A delegate would offer a resolution one morning to the effect that the state should be immediately divided; in the afternoon he would have a new set of resolutions ready, the sense of which was that division was unwise and the convention should at once adjourn. There was scarcely a prominent member of the body who pursued an unwavering course. As a rule the officers of the reorganized government opposed the new state until they found that they would be provided for after the state was divided. In the convention no sectional alignment was maintained. The Panhandle counties were just as likely to be found in opposition to division as the delegates from the counties farther south. In such a confused state of affairs it is impossible to make any generalizations which would hold true for the entire session. It is the fact that the convention did provide for the organization of a new state in the Union, after having given the best reasons for believing that it would do nothing of the kind. What influences and arguments were brought to bear upon the delegates will never be known.

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CHAPTER XV

WAR SENTIMENT

THE Federal recruiting officers found it difficult to raise troops anywhere in Virginia, even in the supposedly loyal northwestern counties. The people of the west preferred being let alone by both contending parties, but it was especially repugnant to them to be pitted in battle against their own fellow-citizens of Virginia. In Wheeling by May 23d there were five hundred and forty-one soldiers in camp and the officers reported that the work of raising troops was a slow process.[1] On the same day thirty-two Confederate sympathizers left the city for Harper's Ferry, vowing never to return until "the Goths and Vandals had been driven out."[2] Large numbers of Southern troops gathered in Clarksburg, Fairmont, and Grafton and remained until the arrival of a Union army.[3]

A little later the correspondent of the Indianapolis

[1] Pittsburgh *Chronicle*, May 24. June 10, the *Intelligencer* reported that two companies from the interior of the state came to Wheeling to enlist but refused to do so when they found they might be compelled to leave the state and fight.

[2] *Ibid.*

[3] It was reported that on May 22nd there were a thousand Secessionists at Clarksburg, three thousand at Grafton and one thousand at Fairmont. This was denied in a letter to the *Chronicle* written by a man who had just returned from the district.

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Journal wrote back that while West Virginia was supposed to have three regiments in the field, out of one thousand men one hundred and fifty were from Virginia, the remainder being from western Pennsylvania and eastern Ohio. This was true of all the regiments. "You will see lying around country towns scores of great big, ugly, awkward, stand-up-and-call-your-mother-a-liar fellows who are Virginians, but not in the army." At the very least one half of the people were out-and-out Secessionists and those professing to be Union men showed their love for the Union by charging five prices for provisions.[1] The Cincinnati *Gazette* expressed its disappointment at the evident apathy of West Virginia in the matter of enlisting in the Union army. It declared that there was good reason to suppose that the attachment of the section to the Union was not as strong as had been supposed.[2] It may be stated with some degree of positiveness that the false impressions which had gotten out regarding

[1] Quoted in the Wheeling *Intelligencer,* Aug. 10, 1861.

[2] *Ibid.* An editorial in the Wellsburg *Herald,* Aug. 3, takes the western Virginians severely to task for their reluctance to enlist in the Union army. Referring to the fact that most of the troops guarding the section were from Ohio and Pennsylvania, the editor says: "We would not be surprised if the patriotic Ohioans would have such a high opinion of the amiability of their Virginia brethren of the Union persuasion that they may be induced to settle down and become a permanent guard over their lives and property. A pretty condition Northwestern Virginia is in to establish herself into a separate state . . . after all the drumming and all the gas about a separate state she has actually organized in the field four not entire regiments of soldiers and one of these hails almost entirely from the Panhandle. In a white population of over a quarter of a million, 3000 men to stand up for the Union is truly a heavy draft upon the patriotism of our section." The editor of the Wheeling *Intelligencer,* Aug.

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the Union feeling in West Virginia were a direct result of the articles appearing in newspapers like the Wheeling *Intelligencer* in which the wish was father to the thought. In professing to speak for the whole western region, they persuaded the North that West Virginia was thoroughly loyal and would respond unflinchingly at the call of the Federal Government. The discovery was soon made that the loyalty of the people was in inverse proportion to their distance from the Northern states. If correspondents in Wheeling were convinced that the people of the northern Panhandle were indifferent what would they expect to find in the interior counties, where the danger of invasion was comparatively small?

Just as the large body of western Virginians were neutral in the conflict that was pending, so were they indifferent as to the actions of the Wheeling government, showing their disapproval by staying away from the polls. There was a general feeling that the new state if formed would be the result of a secret, restless desire on the part of aspiring politicians to obtain offices.[1] Under the old régime West Virginia had fared

13th, stated authoritatively that there were in western Virginia 14 regiments of Ohio volunteers, 3 of Indiana, 2 of Kentucky, 3 of Virginia, two of the latter being part full. Many Pennsylvanians enlisted in Virginia regiments.

[1] *Intelligencer,* Sept. 2nd. Letter from Ironton, Ohio, Nov. 2, 1861, to Adjutant General Samuels: "The provisional government of Virginia seems to be more popular with a majority of our people than our own state government, for we have only about two hundred men from this county enlisted in Ohio regiments." The writer stated that there were eleven full companies from his county enlisted *"as Virginians."*

Letter from C. F. Ritchie, Farmington, to General Samuels:

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badly in the distribution of state offices, but it must be admitted that the west had produced few able men. In 1860 Carlile, Boreman, Pierpoint, and Willey were only local celebrities. George W. Summers, easily the most distinguished western Virginian, held aloof from the new-state movement. The people were suspicious of a ruling clique which destroyed old constitutions and enacted new ones with such ease and with so little regard to public sentiment. The same group of men organized the May convention, summoned the June convention, called together and sat as members of the rump legislature; met one day as a convention and passed an ordinance setting up a new state; met the next day as the General Assembly of Virginia and gave their

"The largest company in the Regiment are all Secesh save three. I made it elect a good Union Captain, but few of them turned out."

Letter to General Samuels, Kanawha Court House, April 14, 1862: "Almost all the old officers are rebels. . . . How are we to deal with Secessionists? . . . Please understand we are just about as though the Regiment had never been organized."

Letter to Governor Pierpoint from Fairmont, March 10, 1862, signed John Coogle, Company I, 18th Regiment. They had elected "a most vile Secessionist as Captain. A majority are rebels and would like nothing better than to hand over the organization to the South."

Letter to Governor Pierpoint from Colonel Harris, 10th Regiment, located at Harrisville, March 27, 1862: "The election of officers in the Gilmer County Company was a farce. The men elected were rebels and bush-whackers. The election of these men was intended, no doubt, as a burlesque on the reorganization of the militia."

Letter to General Samuels from Glenville, Gilmer County, March 19, 1862, from Captain Hall: "The election of officers resulted in a perfect burlesque. They were all secession leaders of guerrilla parties."

Note.—All the above letters were found by the author of this monograph in the Department of Archives and History, Charleston, W. Va.

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consent to the very act which they had agreed to the day before; created offices for themselves and fixed their own salaries. Then, to cap the climax, a free vote was made impossible and no one but known adherents of the new state were permitted to go to the polls. It was admitted that even in the Panhandle there was no enthusiasm for the new state. June 31, 1861, George McC. Porter attempted to arouse the spirit of a Wheeling audience by asserting that "he was born in Virginia and hoped to die—in West Virginia." This statement instead of being applauded was received in silence.[1] As strange as it may seem, when the much-longed-for opportunity arrived, the people of West Virginia discovered that their Virginia pride was stronger than they had imagined. At the final moment sentiment seemed to triumph over reason.[2]

Across the mountains Richmond observed the progress of affairs in northwestern Virginia with mingled anger and alarm. In his message to the Virginia Assembly, December 2, 1861, Governor Letcher denounced the unpatriotic spirit exhibited by a portion of the people in the northwest and characterized their acts aimed at the dismemberment of the state as disloyal and revolutionary. Their conduct, said the Governor, was without justification or excuse, especially as their leaders had pledged themselves to abide by and acquiesce in this popular expression of sentiment. "But instead

[1] Wheeling *Intelligencer,* July 1, 1861.
[2] The editor of the Wellsburg *Herald* declared that he was surprised to find so much sentiment for Virginia in his county.

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of this they had given aid to an army composed of the reckless and the abandoned, the dissolute and the depraved, gathered from the purlieus of the cities and villages of the north and the floating scum of western population." The section should not be abandoned to the traitor residents and the mercenary soldiery, said Mr. Letcher. Many loyal Virginians had been driven from their homes while their property was confiscated; it was the sacred duty of the state to repossess them of their lost goods. "The commonwealth must not be dismembered. When the war ends she must be what she was when it was inaugurated. The Ohio River was the western boundary then and it must continue to be her boundary." [1]

Eastern Virginia had only the vaguest notion of what was taking place in the western portion of the state. Refugees brought wild stories of the acts of cruelty and oppression perpetrated by the Union men. But for the presence of Union troops, it was asserted,

[1] "Documents of Virginia, 1861–62," Part I, p. 13. June 14th the Governor had issued a proclamation to the people of northwestern Virginia, informing them that the state had ratified the ordinance of secession by a majority of nearly 100,000. Good citizens should yield to the will of the state as expressed by this vote. "Men of the northwest, I appeal to you by all the considerations which have drawn us together as one people heretofore to rally to the standard of the Old Dominion. By all the sacred ties of consanguinity . . . by memories of the past, by the relics of the great men of other days, come to Virginia's banner and drive the invaders from your soil. There may be traitors in the midst of you who, for selfish ends, have turned against their mother and would permit her to be ignominiously oppressed and degraded. But I cannot, will not, believe that a majority of you are not true sons who will give your blood and your treasure for Virginia's defense."—"Documents of Virginia," p. 9.

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the whole country would be aroused for secession. No rumor was too absurd to obtain credence. It was commonly reported that the Pierpoint government had passed an ordinance divorcing all refugee husbands from their wives, declaring that no citizen of Virginia could remain in lawful matrimony with a citizen of the restored state, but that the mere act of flight from the loyal counties to the seceded portion of the state dissolved the marriage tie.[1] According to one writer, newspapers not in sympathy with the prosecution of the war were not allowed to circulate in the part of West Virginia under Federal supervision.[2] One calculating genius figured out that West Virginia had really given a majority of 3,400 for the ordinance of secession, which majority would have been greatly increased but for the fact that coercion was resorted to.[3]

It was a common belief that the only Union sympathizers in West Virginia were foreigners and recent settlers from free states. "The native West Virginians, with a few dishonorable exceptions, are true to the South," one paper stated.[4] This impression was confirmed by all the refugees from western Virginia who exaggerated the number of Secessionists as much as

[1] The Memphis *Appeal* copied this item and scattered it throughout the South as an illustration of what was taking place under the Lincoln government.

[2] Letter to the Richmond *Whig* Aug. 10, 1861. As a matter of fact, the very reverse was true. The Wheeling *Intelligencer*, as strong a Union paper as there was in the United States, was not allowed circulation in most of the western counties by the action of the citizens themselves.

[3] *Ibid.*

[4] *Ibid.*

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the North underestimated them. A memorial to the General Assembly in the fall of 1861 discloses the source of Richmond's misapprehension of the state of affairs in the Trans-Alleghany. Drawn up by some prominent western Secessionists who had been forced to leave their homes, it exhibited all the bias one should expect to find in a document composed under such circumstances.[1] They absolved from blame the large majority of their western compatriots and not only gave as proof of their loyalty to the South the personal observance of the situation by the signers of the memorial, but also pointed to the result of a number of polls taken in the very sections supposed to be most loyal. Not more than one fourth of the qualified voters had participated in any election held by the Pierpoint government. Upon the question of dividing Virginia not one third of the ordinary vote was polled in Wheeling, the strongest Union community in the state. Trans-Alleghany Virginia had furnished a large number of troops to the Confederate army, yet the people had little interest in the original subject of controversy between the North and the South. Thus all the more credit should be given them for sinking their own good in the good of the state. Hemmed in by powerful Northern states, their hands were tied if they remained at home. If they enlisted in the Confederate service, their property was confiscated.[2]

[1] This memorial was signed by C. W. Russell, A. F. Haymond, G. D. Camden, W. L. Jackson, and R. Johnson.
[2] "Documents of Virginia," Part V, No. 33.

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As the success of the Southern cause in West Virginia became less probable, the bitterness of the East increased. Letcher found his chief diversion in railing at the Pierpoint government. Lincoln he indicted for permitting Pierpoint to plunder the state treasury of $40,000, for subjecting Virginia to the jurisdiction of foreign laws, for quartering large bodies of troops in the state, etc.[1] The report of the United States Secretary of War in December, 1861, awakened great resentment in Virginia. Cameron had recommended the reconstruction of Maryland, Delaware, and Virginia, with the purpose in view of making the city of Washington less accessible to attack. He suggested that the boundary of Virginia should be altered, so that she would be shut in on the north and east by Pennsylvania and the Blue Ridge Mountains. Two counties of Maryland were to be annexed to Virginia, and all of the state lying between the Blue Ridge and Chesapeake Bay was to become part of Maryland. A portion of the peninsula between Chesapeake Bay and the Atlantic Ocean, held by Virginia and Maryland, was to be incorporated into Delaware. Finally, it was urged that the part of the District of Columbia retroceded to Virginia should be taken back.[2] To this a Richmond paper responds: "There can be no Virginia unless it includes both eastern and western Virginia. Cameron, the execrable Secretary of War of the Lincoln des-

[1] "Documents of Virginia 1861–62," Part V, No. 42.
[2] Senate Documents, 37th Congress, 2nd Session, Vol. II, pp. 13-14.

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potism, has presented the servile Congress of that loathsome tyranny with a map in which eastern Virginia is attached to Maryland. . . . We say that if we cannot hold West Virginia we can hardly defend the South." [1]

January, 1862, the General Assembly at Richmond passed a joint resolution on the subject of the division of the state. It read as follows:

"Whereas the public enemy, invited by domestic foes, being in power within some of the counties in Virginia, where they are confiscating the property of loyal citizens and otherwise oppressing them in a cruel manner; and whereas the traitors there, contemplating a division of this time-honored commonwealth with the aid of this public enemy have set up a pretended government over the same, which under the force of circumstances could not be prevented by the timely sending of an adequate military force; and whereas the legislature desires to reassure all loyal citizens throughout the commonwealth of their desire and intention to protect them, therefore, Resolved by the Senate and House of Delegates that in no event will the state of Virginia submit to or consent to the loss of a foot of her soil; that it is the firm determination of the state . . . to assert and maintain the jurisdiction and sovereignty of Virginia to the utmost limits of her ancient boundaries at any and every cost." [2]

There was a noticeable indisposition on the part of the authorities of Virginia to pass retaliatory acts against the people of the western section. Pierpoint and

[1] Richmond *Dispatch*, Dec. 9, 1861.
[2] "Documents of Virginia, 1861-62," No. 46.

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his colleagues were excoriated in the severest terms, but it was thoroughly believed that the great mass of people disapproved of the Wheeling government, and therefore should not be punished for something which was more their misfortune than their fault.[1]

October 21, 1861, was the day designated for the vote on the question of dividing the state and the election of delegates to the constitutional convention. Few people beyond the borders of the northwestern counties took the slightest interest in the affair although the editors of the loyal newspapers did their best to arouse the people to the importance of the occasion. The editor of the Wheeling *Intelligencer* devoted many columns in his efforts to awaken the citizens from their apathy which, he predicted, would prevent West Virginia from becoming a reality. What the people really needed, he said, was a more intense love for the Union and a greater hatred of secession. In many of the western counties rebel soldiers had returned to their homes and were living there undisturbed by their loyal neighbors.[2] Moreover, it was safer to be a Secessionist in these counties than to be known as a Northern supporter, for the latter as a class had no pluck or stamina.[3]

[1] It is the fact that several acts appropriating money for improvements in the west were repealed, but this was only a part of the general policy to concentrate the financial resources of the state on the military.—"Laws of Virginia," 1861-2, p. 61.

[2] Wheeling *Intelligencer*, Oct. 15, 1861.

[3] The correspondent of the Cincinnati *Commercial* wrote: "The most curious, miserly set of beings I ever saw are the Union men of West Virginia. I have never seen but one who would

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It was well understood that there would be almost no votes cast on the question of division outside the northwest, and the necessity was plain of rolling up as large a majority for separation as possible. Here someone blundered. Instead of allowing a free vote, the election was so manipulated that it was difficult for the opponents of the ordinance to register their protests.[1] As a result, the vote proves too much. We have presented evidence showing the strength of secession in all portions of West Virginia. What then is to be inferred when we find the official vote reported as follows: Putnam County, 209 for, none against division; Cabell, 200 to nothing; Gilmer, unanimous (no vote given); Clay, 96 to 0; Raleigh, 32 to 0; Harrison, 1,148 to 2; Marion, 760 to 38; Monongalia, 1,591 to 18; Upshur, 614 to 0; Randolph, 171 to 2, etc. The official vote was announced to be 18,408 for division and 781 against it.[2]

No one will seriously believe that this vote represented the sentiment of the people of West Virginia. It is more than doubtful if 18,000 votes were cast altogether, for with one faction controlling the election it would be a miracle if wholesale frauds were not perpetrated. The whole matter was treated with derision and contempt in the southern and eastern counties.

expend a dime towards the preservation of the Union." Quoted in Wheeling *Intelligencer*, Oct. 31, 1861.

[1] The newspapers of the district hint at the methods used to exclude voters. The Ritchie County *Democrat*, for example, suggested that no one should be allowed to vote but known Union men.

[2] Wheeling *Intelligencer*, Oct. 26, 1861.

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Described by Union writers as "the wilderness of secession," one cannot imagine that election notices were posted and the polls opened October 24th, as was provided for in the ordinance. The two men undertaking the task of election commissioners in the "rebel" counties would have to bear charmed lives. When it is remembered that by this vote the thirty-nine counties of the new state were supposed to express their approval of a division of Virginia and of the appeal to Congress to admit them as a new state, the farcical nature of West Virginia's origin may be perceived. . . .

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CHAPTER XVI [1]

THE CONSTITUTIONAL CONVENTION

THE delegates to the Constitutional Convention assembled in Wheeling November 26, 1861, "in pursuance of elections held on the fourth Thursday of October, 1861, under authority of 'an ordinance to provide for the formation of a new state out of a portion of the territory of this state' passed August 20th of that year by the convention which reorganized the government of Virginia, the convention to frame a constitution for the proposed state of Kanawha."

Thirty-seven of the seventy-five delegates elected were present, representing thirty-one counties.[2] Committees on Credentials and on Constitutional Provisions were appointed, but not until after the delegates had given good evidence of their disposition to fall afoul

[1] This chapter is based on the original manuscript of the proceedings of the Convention, heretofore never used, and to be found in the office of the State Historian and Archivist, Charleston, W. Va. Page references will not be given for the reason that the manuscript will soon be printed as a state document and is at present unedited.

[2] Randolph, Tucker, Preston, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Kanawha, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Hancock, Ohio, Hampshire, Hardy, Boone, Brooke. No returns reported from Logan, Nicholas, Webster, Calhoun.

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of one another on the least provocation. Before the convention was formally organized, a contest arose over the representation of Wyoming and Fayette counties, which had not held elections, "owing to the hostile state of the county," but from which certain delegates presented credentials in the form of petitions signed by residents of the counties. Final action was deferred, but the bearers of these petitions were permitted to remain on the floor and vote.

For the office of president of the convention the "radicals" nominated John Hall of Mason County, while the "conservatives" put forward as their candidate J. H. Brown of Kanawha County. The latter withdrew and Mr. Hall was chosen. E. R. Hall of Taylor County was nominated for secretary, his election being urged on the ground of his having been persecuted at home on account of his politics.[1]

A difference of opinion arose over the question of taking an oath to support the reorganized government of Virginia. According to Mr. Willey, it was merely a test of loyalty. "It can have no other object, because it is extra-official, and it is a matter entirely at the option of any member of this body whether he will take it or not. There is no law that requires it. Besides, Sir, this body has received a higher sanction from the voluntary suffrage of a generous constituency." Mr. Van Winkle was of the opinion that since they were

[1] It is evident from the discussion that quite a number of the delegates had been driven from their counties and needed financial assistance.

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paid and upheld by the government in question they should not object to the oath. Mr. Hall, of Marion, thought that the taking of such an oath would exhibit a lack of faith in one another; and Mr. Stevenson, of Wood, opposed it because they were sent to destroy the old constitution to which they would swear allegiance. It is clear that the conservatives looked upon the proposed oath as a method devised by their opponents to test the loyalty of the opposition. "There is a fitness in every man taking the oath every morning," said Mr. Hall, "where we see treason all around us in the quarters where we have been startled to find it. There is propriety in a man distrusting himself, though he may be indorsed by his whole people." He concluded by declaring that there had been too much oath breaking, a statement affirmed by Mr. Willey, who recalled the fact that in his county seventy citizens had broken their oath after they had gone so far as to have them (the oaths) recorded.

A Business Committee of nine was appointed, composed of Messrs. Van Winkle, Brown (of Kanawha), Hall (of Marion), Irvine, Sheets, Parker, Chapman, Caldwell, and Hagar. This became the "steering committee" of the convention.

The question of seating Messrs. Cassady and Walker now arose. According to Mr. Stuart it was the only way by which the counties not sending regularly accredited representatives could get a hearing. A slight irregularity was not worth noticing, with which remark Mr. Willey agreed, adding that "these are revolution-

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ary times. The house is on fire and we cannot be very technical." He said he would vote to admit them "on a venture," remembering, probably, his own irregular beginnings as a United States Senator. The claimants were seated without further discussion.[1]

On the following day eight standing committees were appointed—Fundamental and General Provisions; County Organization; Legislative Department; Executive Department; Judiciary; Taxation and Finance; Education; Schedule. The convention transacted no more business this day, but adjourned to meet Friday, the 29th.

By this time it had become apparent that the delegates were in real earnest in their attempt to make the new constitution more liberal than the one under which they had lived as Virginians. Such matters as popular education, universal white male suffrage, voting by ballot, and internal improvements were given much attention.

On November 30th Brown, of Kanawha, introduced the following resolution: "*Resolved*, That the state of Kanawha ought to assume a just and equitable pro-

[1] Later in the convention the delegate from Fayette County resigned and appointed his successor. In the discussion Mr. Pomeroy said: "Now, it is a singular thing, with a lot of Union soldiers in the county, a man comes here and claims to be a representative on this floor, endorsed by a single baker's dozen; but of the whole population of the county not a solitary man but thirteen on that paper."

Mr. Dering: "Are we a regularly constituted deliberative body, regulated by law, or are we a mass meeting that any gentleman can come into and take a seat and draw pay from the treasury?"

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portion of the state debt of Virginia; and in doing so, to discriminate between its friends and foes, by first paying the bonds now held *bona fide* by her own loyal citizens; next, the bonds held *bona fide* by other loyal citizens of the United States not residents of the state of Kanawha; and the excess, if any, to the other bondholders, *pro rata*. Also, that it is unwise and impolitic to introduce the discussion of the slavery question into the deliberations of this convention."

Monday, December 2nd, the Committee on Boundaries reported. To the thirty-nine original counties had been added Pocahontas, Greenbrier, Monroe, Mercer, McDowell, Buchanan and Wise. Craig, Giles, Bland, Tazewell, Russell, Lee, Scott, Jefferson, Berkeley, Morgan, Hampshire, Hardy, Pendleton, Highland, Bath, Alleghany, Clark, Warren, Shenandoah, Page, Rockingham, Augusta, Rockbridge, and Botetourt were to be given the opportunity of voting for annexation to the new state April, 1862.

The report was taken up and discussed section by section. Mr. Sensel moved that "Kanawha" be stricken out, stating, as his reason, that he was a Virginian and proud of the name. Mr. Parker agreed and added that Kanawha would be confused with the county. A number of members testified to the unpopularity of the name with their constituents. Mass meetings had been held in many counties, protesting against it. With these objections Mr. Lamb, of Ohio County, had little sympathy, although he had lived in Virginia for thirty years. "During that time what have we received

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here but oppression and outrage from the state of Virginia? What has been the policy of Virginia throughout? Are we going to keep that policy along with the name, when we came here for the very purpose of revolutionizing that policy in every respect almost in which it is possible for us to do so? No, gentlemen, no, I want to cut loose from these recollections. I have no hesitation in proclaiming to this convention and my constituents that there is nothing in the conduct of the state of Virginia to the people of western Virginia that entitles her or the name to our attachment."

Mr. Caldwell remarked that western Virginia had been a distinct name for years. Mr. Willey said his people objected to "Kanawha" because it was hard to spell, while Mr. Lauck startled the other delegates by asserting that his constituents were not willing to have the new state at all if "Virginia" was stricken out. To this Mr. Van Winkle retorted that what he feared was that some of the gentlemen "intend to be Virginians after we have separated from Virginia. If we are so servile to old Virginia now that we are about casting off the fetters, if we cannot forget our servile habits, but must cringe and bow to old Virginia, I think, Sir, this movement had better stop precisely where it is now." The speaker concluded by suggesting that there was a "suspiciously strong affection for the flesh-pots of Egypt."

Mr. Stuart replied to Mr. Van Winkle, displaying considerable warmth of feeling. His position was that Van Winkle and the others born outside the state of

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Virginia should not arrogate to themselves the responsibility of deciding the name of the new state.[1] "It is a familiar name. It is a name to speak, that of West Virginia."

Mr. Willey was confident the new convention could adopt a new name if it saw fit, as it had already changed the previous ordinance so as to include some additional counties. His attitude toward "West Virginia" was dictated solely by the wishes of his constituents.

On the final vote the name "West Virginia" received thirty votes; "Kanawha," nine; "Western Virginia," two; "Alleghany," two; "Augusta," one.

An argument now arose over the length of time a person should have to live in the state in order to qualify for voting. So liberal were the views of some of the members that Mr. Brown protested, alleging that the object seemed to be that of alluring voters from other states. He opposed such liberality because he "wanted people to come here to live, not merely to vote." His ideas did not prevail, however, and the length of residence was fixed at thirty days.

On Wednesday, December 4th, the important question of the electoral franchise was discussed. At the outset it was evident that there was a strong movement on foot to disqualify all but known Union men. Said Mr. Caldwell, of Marshall County: "In my own county,

[1] Mr. Van Winkle was a native of the state of New York, and attorney for the Baltimore & Ohio Railroad. It is evident that he was distrusted by the other members, for an undercurrent of hostility was apparent at all times when Mr. Van Winkle had the floor.

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in several counties that I think I could name, where the Secessionist element prevails, what will be the result in the formation of the new state? Why, Sir, where that element prevails, the Secessionists will override the Union party. They may go to the polls and elect officers, while the result will be that those persons so elected will refuse to qualify; and thus the organization in these counties will be defeated."

Mr. Willey stated that "the brave boys who are now standing up for these rights in the Union were of the poorer classes." Mr. Hagar brought out the information that in his county the people had been ordered to join the Confederacy—and did so. Mr. Parker declared roundly that men were "committing treason with as little compunction as they have in shooting squirrels." Again Mr. Brown took the opposing view, by affirming that the proposed act would disfranchise a large number of Union men, and, "I dare say, many in this very house; for I have no doubt there are those in this house who have 'given aid and comfort to the rebellion' by furnishing provisions and shelter to their friends and relatives in the rebel army."

The following day the delegates debated the report of a committee which had advocated the *viva voce* method of voting. Mr. Stuart said he had never seen any good result from voting by ballot; that how a man voted was known anyhow. "I like this independent way of voting—coming up and declaring how we vote. It seems to me it inculcates principles of independence." He reminded his audience of the vote in May on seces-

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sion, and asked if there would not have been a different showing if voting by ballot had prevailed.[1]

Mr. Hagar declared that in his county only one vote out of one hundred and fifty had been against secession.[2] Union men had been overawed by the stronger rebels. If the citizens had been able to cast their ballots in secret, both Logan and Boone counties might have voted against secession.

It may be remarked in passing that all speakers from Secessionist counties told the same story, apparently with the idea of winning the good will of the other delegates. However, either the Union majority was a figment of their imagination or it was composed of a very pusillanimous set of men. Otherwise, the numerically weaker Secessionists would have been the ones intimidated.

The question was dropped for the present, while the convention proceeded to consider the inclusion of Wise and Buchanan counties. Mr. Brown thought it a good thing, because no one desired to have a "little picayune state." They should adhere to "the good old American principle, which was to hold on to all the territory we get." And Mr. Stuart reminded the delegates that if

[1] Mr. Stuart's meaning is puzzling, in view of the fact that he was speaking in opposition to the secret ballot. If he had been arguing in its favor, we might assume he meant to suggest that the open method of voting prevented Union men from voting against secession, where the Secessionists predominated. The sole inference remaining is that if the secret ballot had been used, more votes in the western counties would have been cast for secession.

[2] The official returns from Boone County do not confirm this statement.

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these counties were cut off the state would lose one representative in Congress. Mr. Pomeroy could not understand why they wanted to annex counties in which Secessionism ran rampant, to which Mr. Brown replied, meaningly, that "to cut off counties because they were for secession was a very dangerous game; and if you attempt to play it on principle I do not see where it would stop."[1] The motion to include was lost.

The same question arose over McDowell County. Mr. Walker, with no apparent intention of being humorous, remarked that he had been there in June, and "had found quite a number of men who were Union in their hearts although they dared not say so." Quite the frankest man on the floor was Mr. Hall, of Marion County, who boldly spoke for the inclusion of all border counties, in order to get a line with natural boundaries. It was of no great importance whether they wanted to come in or not. This convention was the sovereign people of West Virginia, and was bound by no previous act.

Mr. Carskadon stated that while only between sixty and seventy men had voted for representatives to the convention he felt sure that there were more Union men than that in the county. Mr. Stevenson said: "If I could be satisfied that these counties of Mercer, Monroe, Greenbrier, and Pocahontas were made up of any considerable number of loyal people, I would favor it.

[1] A plain admission that the great majority of the counties in the proposed new state were Southern in their sympathies, and, consequently, opposed to cutting loose from Virginia.

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But I have not been, and I am not, satisfied of the fact." Mr. Parker, to ease Mr. Stevenson's conscience, remarked that the convention as a whole represented but a small faction of the state; and Mr. Brown adduced the further information that they were including counties that had given large majorities for secession. The Union men in these counties were being protected by a Union army, composed of men from other states. In Logan, Boone and Wayne Counties a man who spoke in favor of the Union was taken to Richmond and tried for treason, said Mr. Brown. Yet thus far there had been no objection to including these counties.

Mr. Willey was of the opinion that the convention had no right to add more counties, to which Mr. Hall retorted that the convention could do anything "because the whole proceedings were irregular. It has not been very long since some gentlemen who are here could not have come here, and the time is even yet that some gentlemen within counties included here are not here; and we know very well the reason why the counties, in reference to which we are now proposing to take action, could not be represented here, are represented by very few votes, or by some means that is not exactly a vote at all." The convention, at any rate, said Mr. Hall, represented the people more closely than the legislature did. "At the time a certain portion of the citizens of the state of Virginia were enabled to congregate themselves at the city of Wheeling and at a time when those in rebellion against the government held other parts, and being very impatient they went to work to form

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themselves into a new state including a few counties. Let me say a fact that is known,—that this thing commenced at a time when some of the most prominent movers in the matter dared not go to their homes. As I before remarked, our necessity requires that if they are not with us in sentiment, in all events their territory must be with us." Mr. Brown hereupon stated that before the people of the border counties could vote it would be necessary to station a Union Army there.

The discussion as to the wisdom of absorbing Secessionist counties continued the following day. The large-state advocates were now in the saddle, and rode triumphantly through the opposition, who desired a small, compact state, composed of counties where there was at least a considerable Union minority. Said Mr. Willey: "The county of Calhoun spurns our invitation, it is said. The county of Nicholas spurns our invitation. That is her own fault, sir. She might have been represented here; and if she sees proper to stay at home and allow us to fix it for her, she has no right to complain."

An interesting sidelight is turned on the events of the preceding months by the remarks of Mr. Hagar:

"I am informed by the delegate from Wayne, notwithstanding Ziegler had a regiment there, that all the elections had to be guarded by his regiment. I do not know how many elections were held in Cabell County. However, they held one somewhere, and the county is represented. Boone, which has eight places of holding

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elections, by a detachment being sent from Kanawha held an election at two precincts. The returns are not here; the man I sent may have been captured. If it required a military force to hold an election, if Cabell County, which borders on the Ohio River, had to have a military force to hold an election there; if Boone had to have a military force to hold an election at two points; if a detachment went up and held an election there, and got into a corner of Raleigh and held an election there, with what difficulty are the counties represented!"

The speaker closed by saying that he knew personally the people of those counties were opposed to the new state. Mr. Soper confirmed this, and added that the earlier conventions were all irregular bodies; that the members of the so-called legislature were not legally chosen, and that they violated their instructions when they provided for the formation of a new state instead of merely reconstructing the old state. The people, thus far, had never indicated that they wished to separate from old Virginia. Mr. Soper seemed to think that although most of the counties included in the boundaries of the proposed new state were full of Secessionists, these persons would finally become reconciled to the new state—certainly, if the South lost.[1]

Mr. Van Winkle stated that he doubted "if there were any counties this side of the Alleghanies where there were nothing but Secessionists." [2] Mr. Stuart, of

[1] Mr. Soper was referred to by the chairman as "the gentleman from New York now representing Tyler County."

[2] The North had been led to believe that there were nothing

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Doddridge County, said that his was one of the strongest Union counties in the state; Union regiments were in complete control; yet it was impossible to get a majority of the voters to go to the polls and vote on the question of endorsing the new state movement.

Mr. Simmons, of Randolph County, was positive that there were some Union men in his county, and also in Pendleton and Hardy. An election had been held, he stated, in one corner of Tucker County, by a Union company, and a member had been chosen to the state legislature. Mr. Carskadon frankly admitted that "at the precinct at which I was elected (they did not know at the time I was a candidate) there were but thirty-nine votes cast."

Mr. Lamb, of Ohio County, whose Unionism could not be doubted, declared that out of two thousand voters in Hampshire County, one hundred and ninety-five votes had been cast and he had heard that of these one hundred were cast by soldiers. Mr. Carskadon confirmed this and added that only thirty-nine were the votes of citizens of the state.

So frank were these admissions that the people of the western portion of Virginia were Southern in their sympathies that the convention felt it necessary to reject a motion to have the debates published. It may be added that they remain unpublished to this day.

January 7, 1862, a petition from Calhoun County was read as follows:

but Unionists this side of the Alleghanies. Mr. Van Winkle here admits that the Unionists were few in number.

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"The humble memorial of the undersigned qualified voters in and for the County of Calhoun, respectfully represent that they were unable to hold an election for a delegate to your convention, as they desired to do and would have done, but for the following reasons: There is no sheriff, clerk or justices in our county, and no court has been held in said county since June last; all the county officers are or have been engaged in the rebellion, so that there was no one to hold an election. The undersigned compose nearly the whole loyal voters in the said county, for, in fact, at the election upon the ordinance of secession, there were but fifty votes cast in said county against it."

The petition was unanimously granted, Mr. Van Winkle remarking that it would not do to hold too strictly to the law.

A similar proceeding was enacted the following day, when the convention seated a delegate from Logan County, whose credentials consisted of a petition signed by fifteen persons representing six families. After this there could be no pretense of legality, for in this case the delegate lived in Kanawha, not Logan County, where, according to his own statement, there was to be found no one who was willing to run the risk of representing Logan County.

January 13th Mr. Sinsel made some extremely illuminating admissions, while the subject of the apportionment of representatives was under discussion. He referred to the border counties as "deadly Secessionist in sentiment and feeling," and predicted that after the rebellion only Secessionists would be elected to public

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office.[1] "Who denies that McDowell, Wyoming, Raleigh, Calhoun, Gilmer, Braxton, Clay, Tucker, Randolph, Webster, Nicholas, Boone, Logan, Pocahontas, Roane, Wirt, Monroe, and Greenbrier—add to that Barbour and many others—are all dominated by the spirit of the rebellion?"

It is interesting to observe that the manuscript record of the debates contains no answer or denial of this very serious allegation. Had it been otherwise than true, had there been the slightest doubt of the sentiment of the people of these and other unnamed counties, Mr. Sinsel would have discovered that he had disturbed a hornet's nest. The strong Union men in the convention would have accepted the challenge, had there been any tenable premises upon which to base their argument. That Mr. Sinsel's charges were recognized as correct is proven by the fact that after his speech the discussion narrows down to the question of how the apportionment of representatives in the legislature could be arranged so as to give the larger Secessionist counties as little power as possible.

The slavery question, as was anticipated, aroused heated discussion. Mr. Battelle, a Methodist minister and a native of Ohio, introduced a series of resolutions providing, first, that no slaves should come into the state for permanent residence after the adoption of the

[1] His prediction was verified. The immediate effect of the successive Amnesty Proclamations of President Johnson, 1865, 1867, 1868, was the establishment of the Democrats in power, and this power they held almost without interruption for thirty years.

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constitution; second, that the legislature should provide for the mitigation of the evils of slavery until July 4, 1862, when the institution should be abolished. The author of these resolutions later modified his first proposition so that all children born of slave parents after July 4, 1865, should be free, and that the people of the state, when they voted on the constitution, should also vote on the question of gradual emancipation.

There was, however, plenty of feeling in the convention against the abolition of slavery in any form, and the body declined to go on record as favoring such legislation. They did incorporate into the constitution a clause whereby slaves and free negroes should not be permitted to enter the state.

The first draft of the first constitution of West Virginia resembled very much the organic law of the old state, but there are some notable points of divergence, all in the direction of democratic progress. Voting by ballot took the place of the *viva voce* method, the registration of voters was provided for, and the legislature was instructed to establish a system of free common schools.

The fourth Thursday in April, 1862, was designated as the day upon which the constitution was to be submitted to the voters of the state, and commissioners were appointed to make the necessary arrangements. In the event of the ratification of the constitution, the returns were to be reported to the legislature and its consent obtained to the separation. This done, Congress was to be asked to admit the new state.

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The constitution was adopted by the suspiciously large majority of 20,622 to 440. In order to make the result more imposing, commissioners were sent out to the various camps so that the soldiers would be permitted to vote. In this manner citizens of Pennsylvania, Ohio, and Indiana were enabled to assist the framers of the new constitution.[1] The vote in some of the counties was reported as follows: Ohio, 1,805 to 8; Marshall, 1,433 to 56; Hancock, 373 to 5; Hardy, 76 to 0; Morgan, 362 to 0; Pendleton, 181 to 0; Pleasants, 253 to 0; Randolph, 167 to 13; Roane, 159 to 0; Tucker, 45 to 1; Wayne, 85 to 2; Marion, 965 to 3; Lewis, 596 to 4; Wood, 1,222 to 1; Harrison, 1,074 to 7; Monongalia, 1,415 to 128; Taylor, 716 to 5; Barbour, 471 to 0; Brooke, 448 to 1; Cabell, 106 to 0; Gilmer, 383 to 1; Hampshire, 75 to 9. No returns were ever received from Calhoun, Greenbrier, Logan, McDowell, Mercer, Monroe, Preston, Raleigh and Wyoming counties. The four northern Panhandle counties furnished more than one third of the entire civilian vote for the constitution. The eastern Panhandle cast a total of five hundred and thirty votes. Along the border of Virginia only one county, Hardy, reported that a poll had been taken. The measure was practically adopted by a vote of six counties and the silent protests of more than twenty other counties were passed unheeded. It is a poor argument to say that many of these counties were in possession of the Confederates at the time of the election, for this is equiva-

[1] The soldiers' vote was announced as 7,579 to 131.

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lent to saying that they were controlled by a majority of their own citizens. Yet if four hundred and seventy-one persons in Barbour County were permitted to vote, why were not the other qualified voters permitted to do the same? Why did the poll show the curious anomaly of a practically unanimous vote in the strongest Secessionist counties? All these questions and others present themselves for serious consideration, and the more they are studied the more convinced must one become that the present state of West Virginia is composed of counties a majority of which were opposed to the division of the state.[1]

An extra session of the legislature was called for May 5, 1862, and on that day thirty-one delegates and ten Senators came together, for the purpose of carrying out that section of the United States Constitution which says that no new state shall be formed out of an

[1] A letter to the *Intelligencer,* Apr. 30, from Braxton County reads: "The election was a mere farce, a thing done in the corner by those who feared the light and wished to possess themselves of power not for the sake of being useful to their country and fellow-citizens but for selfish ends alone. . . . Not more than one hundred votes were polled in a county of some 1,100 voters and our legislature was elected by a still smaller number of votes." The *Intelligencer,* the same day, prints a letter from a Colonel in the Union army stationed in one of the interior counties, to the effect that he had been instructed to prevent people from voting against the new-state constitution. A letter to the Wheeling *Press,* Nov. 27, 1862, declares that there had not been a free election in West Virginia since the delegates had been elected to the Richmond Convention. Not one fifth of the normal vote of the county had been cast at any election. The writer asserts that it was dangerous to vote against any measure in which the new state was interested. "Could there be a fair expression of the people within the bounds of the new state, I do not doubt that the vote would be overwhelmingly against it."

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existing state without the consent of the latter. These forty-one men were held to be capable of acting for a million white people of Virginia.[1]

The Governor in his message made no effort to dictate the course which should be pursued by the legislature, although he did attempt to give reasons why their assent should be given. He attacked the position of those who pronounced the whole affair to be a revolutionary proceeding. His attempt to show that all constitutional and legal forms had been and would in the future be complied with led him into a maze of twisted thoughts and illogical reasoning. Answering the charge that the new state would be established on an act of revolution, he says: "Those who urge this objection do not understand the history, geography, and social relations of the state."[2] The reader may well ask what these things had to do with an abstract question of political theory. However, the situation did not call for close reasoning and clear thinking, for the legislature had made up its mind long before. After going through the formality of appointing a committee to consider the question, it gave its consent to the forma-

[1] Horace Greeley in his "American Conflict" makes a typical defense of the action of the legislature in assenting to the division of Virginia. He says: "This action was taken throughout on the assumption that the loyal people of a state constitute the state; that traitors and rebels who repudiate all respect for and loyalty to the constitution and government of the country have no right to control that government and that those people of any state who heartily recognize and faithfully discharge their obligations . . . have a right to full and perfect protection from the Republic." P. 519.

[2] Wheeling *Intelligencer*, May 6, 1862.

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tion of a new state in the name of and as the representatives of the sovereign people of Virginia.[1]

[1] The act reads: "Be it enacted by the General Assembly, That the consent of the legislature of Virginia be and the same is hereby given to the formation and erection of the state of West Virginia within the jurisdiction of this state to include the counties of ———, according to the boundaries and under the provisions set forth in the constitution for the said state of West Virginia and the schedule thereto annexed, proposed by the convention which assembled at Wheeling on the 26th day of November, 1861. Second, Be it further enacted, That the consent of the legislature be and the same is hereby given that the counties of Berkeley, Jefferson, and Frederick shall be included in and form part of the state of West Virginia, whenever the voters of said counties shall ratify and assent to the said constitution at an election held for the purpose at such time and under such regulations as the commissioners named in the said schedule may prescribe. Third, Be it further enacted, That this act shall be transmitted by the Executive to the Senators and Representatives of this Commonwealth in Congress, together with a certified original of the said constitution and schedule, and the said Senators and Representatives are hereby requested to use their endeavors to obtain the consent of Congress to the admission of the state of West Virginia into the Union. Fourth, This act shall be enforced from and after its passage."—*Congressional Globe,* 37th Congress, 3rd Session, Part I, p. 39.

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CHAPTER XVII

IRREGULAR CONGRESSIONAL ELECTIONS

In the early part of 1862, before the West Virginia bill was ready to be introduced into Congress, the House of Representatives, after quite a contest, refused to seat two men claiming to have been elected to the house from the first and seventh congressional districts of Virginia. The western part of the state had disregarded that section of the ordinance of secession which forbade the election of representatives to Congress and had elected its Congressmen in the regular manner. These men had been seated without contest.[1] The cases of Charles H. Upton and Joseph Segar were different. The latter claimed to have been elected from the first district under the proclamation issued by Pierpoint, appointing the fourth Tuesday in October as the day when special elections should be held for the purpose of filling the vacancies that existed in the Virginia delegation to Congress.[2] It was admitted that the Secessionists controlled all but the two northwestern dis-

[1] They were Messrs. Brown, Whalley, and Carlile. After Carlile's election to the Senate, Jacob Blair was chosen to fill the vacancy.

[2] *Congressional Globe*, 37th Congress, 2nd Session, Part I, p. 728.

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tricts, but according to the prevailing theory the loyal citizens, no matter how small their number might be, constituted the electorate. Mr. Segar's election had been unanimous. The case was referred to the Committee of Elections, which made its report Feb. 10, 1862.[1] After reviewing the events in West Virginia leading up to the establishment of a provisional government, the committee presented the election returns and showed that Mr. Segar had received twenty-five votes, while none had been cast for his opponent. The poll had been taken at Hampton, Virginia, and was certified to by the clerk and two freeholders. Pierpoint thereupon signed the certificate of election. The committee expressed the opinion that the Wheeling convention had exceeded its power in continuing to act as a legislative body coördinate with the legislature. Its functions ceased the moment the new government took on form and life. Thus the act of the convention providing for a special election was a usurpation of the duties of the legislature. Even assuming that up to this point the proceedings were regular, what followed was clearly irregular. Instead of calling upon the sheriffs to conduct the election as prescribed by law, the Governor in his proclamation "entreated the loyal voters to hold an election." Mr. Segar admitted that there was no poll taken anywhere but at Hampton, and frankly confessed that he would not have known of the Governor's proclamation had it not been that a certain man, stopping over in Hampton, had read it in the

[1] *Congressional Globe*, 37th Congress, pp. 727-728.

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National Intelligencer. He informed Mr. Segar of the fact and the latter decided to become a candidate. The committee held that under the circumstances the contestant could have no claim to a seat in the House.

Segar's defense of his claim deserves to rank as a great piece of congressional humor. The issue, he said, was not whether he should be seated; that was of no importance whatsoever. The real question involved the right of a loyal citizen to sit in the House of Representatives. It was true that some of the petty forms were not complied with, but they were swept away by the old maxim *de minimis non curat lex.* The Wheeling Convention, in his opinion, could do anything the sovereign people could do, but even if it could not the situation would not be altered, for Governor Pierpoint had signed his election certificate, and all people knew that Pierpoint was the lawful Governor of Virginia. As for the smallness of the vote cast, the House could not take this into consideration while it had officially recognized the Wheeling government which had been set up by a very small minority of the people. Mr. Dawes, of Massachusetts, effectually disposed of any further arguments the petitioner might have presented by stating that the only pertinent question was the legality of the election. The convention organized the loyal legislature and put it under the constitution and laws of Virginia; then it proceeded to act as though no legislature existed. In the case at hand twenty-five men living near a hotel kept by the claimant cast their votes without form of law. "It is a mockery to representation it-

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self," said Mr. Dawes. "It is a mockery to the freedom of election." The committee's report was adopted and Mr. Segar was refused a seat in the House.[1]

Upton's case was reported from the committee Jan. 30, 1862, with adverse recommendation. The contestant had presented his credentials at the opening of the special session in July, as representative of the seventh district of Virginia. No objection had been raised until December 9, 1861, when a Mr. S. F. Beach appeared, contesting Mr. Upton's right to the seat. February 26th the House took up the consideration of the committee's report. Beach, in his petition, alleged that on May 23rd not a single poll had been opened, owing partly to the presence of a large military force. Thus Upton could not have been legally elected, even though he had been a citizen of Virginia which, the petitioner said, he was not. Upon the 24th of October an election was held in accordance with Pierpoint's proclamation and a small vote was cast, all for the petitioner. Upton should be unseated—first, because no regular election had been conducted on May 23rd, and second, because Upton was a citizen of Ohio and could not represent the state of Virginia.

Mr. Worcester brushed aside the second objection

[1] *Congressional Globe,* 37th Congress, 2nd Session, Part I. On Feb. 19, 1862, Mr. Segar wrote a letter to Governor Pierpoint in which he made the following suggestion, to be acted upon in case the legislature did not prescribe a time and place for elections to Congress: "I suggest that in the writ you name the place for the meeting at Old Point Comfort and make the day the 21st of March. . . . As soon as received I shall proceed to . . ." This was *de minimis non curat lex* with a vengeance.

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and declared that the real question was one of fact, not whether a legal election could have taken place at the time, but whether it was physically possible under the circumstances. No one doubted that the act annulling the election laws was a usurpation but it was effective at any rate. There was no evidence to show that any attempt had been made to comply with the laws of Virginia prescribing the mode of conducting elections in the present case. The contestant brought no certificate from the Governor or from any election board. He had not shown that a single legal vote had been cast for him, although there were documents exhibiting the fact that Mr, Beach had declared his candidacy and that ninety-five persons had cast their votes for him. These documents were not attested to in legal form. Mr. Upton, however, rested his claim upon a poll of ten votes taken in Ball's Cross Road, Alexandria County, and certified to by a justice of the peace. This was of no more value, said Mr. Worcester, than the other alleged poll. The committee had unanimously agreed that Upton was not entitled to a seat in the House.

Although some of the Representatives, fearing for their own seats, opposed the committee's report, Mr. Dawes bore down their objections by stating that Upton had come there "without the certificate of the Governor, without a certificate of an election board, and without the certificate of any man touching his right to his seat. He came here and induced the Clerk of the House to put his name upon the list of members.

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He was sworn in without so much as a vote of the House upon the question." The last word for the defense was the reply of Mr. Sedgwick, who brought out the fact that none of the Virginia Representatives then in Congress had been elected according to the laws of the state. They had been admitted on the ground that full compliance was impossible, and that at such a time technicalities should be passed over. The chief point of difference between the case of the Representatives from western Virginia and that of Mr. Upton was that the latter had received fewer votes. But no law could be found anywhere prescribing the minimum number of votes a candidate must receive. To this Mr. Dawes retorted that the essential thing was not the number of votes but how they had been cast. The crux of the whole situation was that no legal election had taken place or could take place under existing circumstances. In this opinion the House concurred and the action of the committee unseating Mr. Upton was sustained.[1]

Two similar contests took place in the third session of the Thirty-seventh Congress when J. B. McCloud and W. W. Wing appeared, claiming to have been elected from the second congressional district of Virginia. The election was conducted under the authority of three proclamations, one by General Dix commanding the department of Virginia, another by General Vielie had permitted all males over twenty-one years of age to vote regardless of residence. McCloud and Wing, together with a Mr. McKenzie claiming a seat as

[1] *Congressional Globe*, 37th Congress, Part II, p. 1010.

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representative from the seventh district of Virginia, were refused seats in the House.[1]

It was unfortunate for the Federal Government that such a confused situation existed in Virginia. The action of the loyal citizens in the west had to be sustained, and yet it would not do openly to disregard the state constitution. As far as possible the letter of the law must be complied with, as it would be inconsistent on the part of the central authorities to uphold any breach of the organic law while engaged in a contest against a portion of the United States which, according to the theory, had violated the United States Constitution. Trouble began when the rump legislature was recognized as the legislature of Virginia and the Senators it elected were accepted. Congress was thus put under the obligation of recognizing the Pierpoint government as the real and not the provisional government of Virginia. While not admitting it, everyone knew that the proceedings in West Virginia were justifiable only on the ground of expediency and at any other time would have been quickly disposed of. Reviewed to-day, the arguments in support of the Wheeling government sound singularly hollow and insincere, very much as though they were brought out not for the purpose of convincing the opposition but with the idea of making an outward show of defense. Had the administration pursued a straight course and erected a military government in West Virginia, that section might never have been able to set up a separate state, but the Fed-

[1] *Congressional Globe*, 37th Congress, Part II, p. 1037.

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eral Government could not now be accused of aiding and abetting one section of a state in disregarding all constitutions and precedents in breaking away from that state without its consent.

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CHAPTER XVIII

THE WEST VIRGINIA BILL IN THE U. S. SENATE

MAY 29, 1862, Congress received its first official intimation that West Virginia would apply for admission into the Union. On that day Senator Willey brought the matter to the attention of the Senate by presenting a memorial from the so-called legislature of Virginia, asking that its consent be given to the formation of a new state within the boundaries of Virginia.[1] The legislature not only gave its consent to the division of the state, but urged the Senators and Representatives from Virginia to make every effort to overcome the opposition in Congress.[2] Never before in our history has the country witnessed the spectacle of a state legislature petitioning Congress to agree to the cutting up of the dominion for which it was supposed to make laws.[3] Another memorial presented purported to come from the people of West Virginia. It recited

[1] *Congressional Globe*, 37th Congress, Part III, p. 2415.

[2] Laws of West Virginia 1861–66. Acts of the General Assembly passed at the extra session held May 6, 1862.

[3] When the legislature passed the act giving its consent to the erection of a new state, it organized itself into a committee to arouse greater general interest in the matter. Representatives from Braxton, Preston, Clay, Nicholas, and Morgan counties pledged that their districts would give a unanimous vote for the new state.—Wheeling *Intelligencer*, May 16, 1862.

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the wrongs that West Virginia had endured for forty years; enlarged on the good effect which the admission of West Virginia would have on the country as a whole; and declared finally that some "wolves in sheep's clothing" had gotten into the convention and prevented the passage of a free-state constitution. This was unfortunate, but unless Congress admitted West Virginia at once there was grave danger that by the time the legislature reassembled there would be sufficient representation from the eastern counties and the Valley to rescind the former action consenting to division. The petitioners frankly admitted that the entire state outside the immediate portion concerned was opposed to separation, even in those districts where the Union feeling was strong. As for the constitutional objections, Letcher and the disloyal members of the assembly had abdicated and the reorganizers had exercised their rights as the sovereign people to form a government. While it was true that the convention did not represent the whole state, that was not the fault of the loyal people. All were given an opportunity to respond. The question of the right of one portion of a state to secede from the rest did not arise. Congress simply had to decide whether or not it would recognize and protect a loyal community which needed protection.[1]

[1] Wheeling *Intelligencer,* May 30, 1862. This paper asked for the admission of West Virginia, first, because it was a right the people were entitled to from the natural situation of their territory; second, a government was needed to develop the resources of the west; third, the two sections of the state could not get along together; fourth, the west would receive even worse treatment after the war if the state was not divided;

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Senator Willey in presenting the matter sketched the course of events since the Richmond Convention. He denounced the action of the Richmond leaders in not waiting for the ratification of the ordinance of secession before putting the state on a war footing, and lauded the zeal of the western Virginians in refusing to go out of the Union. His remark that the delegates to the May convention were risking their lives in sitting in the Wheeling assembly was rather disingenuous, since Wheeling was in entire control of the Union men. Willey's attempt to make heroes out of the delegates was a bold misrepresentation of facts, for none knew any better than Willey that any danger which threatened the members came from within their body and not from without. The speaker entered into an explanation of the actions of the restored government, quoting Governor Pierpoint to the effect that they had *made only one change in the state constitution.*[1] The Senate was told that the government organized by the June convention was for the whole state of Virginia and as such was recognized by the Federal authorities. In August an adjourned session of the convention passed

fifth, it would be saddled with a war debt; sixth, "because we have complied with all the formalities required by the Constitution of the United States."

[1] Willey did not think it necessary to explain that this one change which had been so blithely made was that of reducing the number of members in the General Assembly necessary to constitute a quorum. This was the only change needed in order to give a show of legality to the actions of the legislature. If the constitution could be changed in this one particular, it could be just as easily altered in any way the Wheeling government saw fit.

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an ordinance, providing for the formation of a new state and the submission of the question to the voters. The latter had given their consent almost unanimously; the legislature was *persuaded* to agree to the division of the state; the constitution had been drawn up, and the question was now before Congress. Mr. Willey gave an exhaustive list of reasons why the two sections of Virginia could never live in harmony, but when he declared that the passage of the West Virginia bill through Congress would "send a thrill of joy through 300,000 hearts" he was making a statement which he knew to be absolutely false.

Upon request of Mr. Sumner the question of the admission of West Virginia was referred to the Territorial Committee, of which Mr. Wade of Ohio was chairman. On June 23rd the bill was reported and advanced to a second reading. Three days later it was read a second time and taken up in Committee of the Whole.[1] An analysis of the Senate bill shows that some one had taken advantage of the committee's unfamiliarity with the situation in West Virginia, for not only were the forty-eight counties included, as had been provided for in the original act of the legislature, but there were added the counties of Berkeley, Jefferson, Clark, Warren, Frederick, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig, and Alleghany. The reported bill included a provision that after the fourth day of July,

[1] *Congressional Globe*, 37th Congress, 2nd session, Part IV, p. 2942.

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1863, children born of slaves were to be free. The various counties were to elect representatives to a constitutional convention, which should not have the power to change the boundaries of the state as outlined in the Senate bill. It has been asserted that the purpose of the restrictions placed upon the framers of the constitution was to insure its rejection by the people,[1] but judging from the poll taken on the first constitution it seems almost certain that at the time any constitution would have been declared adopted. It is beyond question that the people of the Valley counties would have refused to take any part in the matter, even if they had been permitted to do so. John S. Carlile is presumed to have been the author of the first Senate bill.[2] His public career since the May convention had been full of surprises. Elected to the United States Senate as the ablest Union man in the section, he first exhibited a change of heart in the August session of the convention, although at that time he had been opposed to the inclusion of the Valley counties.[3] Now he proposed taking in more than the most ardent large-state advocates had dreamed of. In view of his former actions in support of the new state, it is not easy to believe that Carlile was designing to prevent the passage of the bill in the Senate; but what other conclusion can be arrived at when the facts of the case are presented? In

[1] Granville Hall, "The Rending of Virginia," p. 460.
[2] Carlile was a member of the Committee on Territories.
[3] He had been opposed even to the admittance of the eastern Panhandle counties on the ground that they held too many slaves.

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a speech at Wheeling some time later he declared that he would have voted for the original bill had it not been for the abolition provision, to which he had always been opposed.[1] But if this were true, why did his own bill in the Senate committee contain an emancipation clause?

Senator Sumner, after the bill had been read, at once served notice that he would fight the measure so long as it did not contain a clause abolishing slavery at some time in the near future. He then made a motion to insert a clause by which slavery was to be abolished altogether after July 4, 1863. Mr. Hale remarked that it would be a singular thing if the Senate, after admitting many states whose constitutions made slavery perpetual, should decline to admit the first state which had provided for the ultimate extinction of slavery. Mr. Willey declared that the Senator from Massachusetts was not familiar with the situation in West Virginia. The 8,000 slaves were mainly house servants, who would be the very ones to suffer by immediate emancipation. The speaker now revealed the fact that he had not been consulted when the West Virginia bill was being drawn up, for he expressed surprise that the fifteen counties of the Valley were to be taken in, after a convention of the people of West Virginia had declared that the Alleghanies should constitute the dividing line. The new counties contained 140,409 white

[1] The *Intelligencer*, which reported Carlile's speech in defense of his action, said: "No man ever seemed more conscious of the bad part which he had played."

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inhabitants and 31,937 slaves. The former were a unit against the new state and the latter would only add to its difficulties. To unite the Trans-Alleghany with the Valley would be like tying two cats by the tail. They would be forever fighting each other. Mr. Wade admitted that the bill was open to much criticism, but averred that it had not been approved by the committee; it would serve their purpose of bringing up something which could be used as the basis of discussion. He objected to the emancipation clause as it stood, because it would make free a person born one day after July 4, 1863, and make slave one born the day before. A graduated system of emancipation was, in his opinion, far better. The present bill should not be passed, but the Senate would do wrong in imposing severe and unprecedented conditions upon the proposed new state. Further consideration was postponed until July 7th, when Willey attempted to have the Senate defer all prior orders and take up the bill. He declared that the state stood "with her heart bleeding; with all her industrial and commercial interests prostrate," and that unless some relief were given the Union men must take their families and find homes in the west. The Senate refused to believe that West Virginia was bleeding to death, and Mr. Willey's appeal went unheeded.

July 14th Mr. Wade persuaded his colleagues to take up the West Virginia bill again. Recurring to Mr. Sumner's amendment, the yeas and nays were ordered, with the result that the amendment was rejected by a

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vote of eleven to twenty-four.[1] The debate now centered around Mr. Wade's proposal that not only should slave children born after July 4, 1863, be free, but that all slaves under twenty-one at the time aforesaid should be free when they reached twenty-one years of age. Mr. Willey urged with some show of reason that the chief effect of such a clause would be the transference of all slaves under twenty-one to the far south. Slaveholders would not stand idly by and permit their property to be taken away by process of law when they could prevent it. Moreover, the Secessionists in the state would use the abolition clause as a means to prevent the ratification of the constitution, which could only mean that the new state would never be formed. Carlile gave unmistakable evidence of his opposition to the proposed bill by proposing an amendment, whereby the ordinance to be effective must be ratified by a vote of *the majority of the voters of West Virginia*. Mr. Willey at once attacked the suggestion as one calculated to destroy all hope of forming a new state, since under the circumstances it would be impossible to get out anything like a full vote. Carlile answered that all he desired was the assurance that the people of West Virginia really did wish to break away from the old state. So far there had been no vote to indicate that such was their preference.[2] A majority of the voting population within

[1] *Congressional Globe*, 37th Congress, 2nd session, Part IV, p. 3306.

[2] Carlile had no doubt of the feeling of the people when he was a member of the Wheeling conventions. No one was louder in his assertion that the people of the state were eager for separation.

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the boundaries of West Virginia had never assented directly to any proposition put up to them so far. The erection of imaginary lines between the sections of Virginia would serve no purpose in itself. Replying to Mr. Pomeroy, who remarked that Carlile's evident purpose was to put off the measure until another session and added that if the people of West Virginia did not send Senators favorable to it they could not expect to have the bill passed, Carlile returned that they would lose no time, since the new state could not be admitted before the following January and Congress would meet in December. If by that time the people of West Virginia had drawn up a new constitution more in accord with the ideas of the Senate, why could not the measure be acted upon and the state admitted? No time need be lost. In a moment of candor Carlile informed his colleagues that eleven of the counties west of the Alleghanies had never been represented in any of the Wheeling conventions or in the reorganized legislature. Three other counties had sent but one man; so it could truly be said that at least one third of the proposed new state had expressed no desire to leave Virginia. Carlile was asked if he meant to assert that the convention did not represent the whole people of West Virginia. To this he replied that, while the chaotic condition of some of the counties has something to do with the light vote cast, even in the counties free from rebel troops little interest had been taken in any of the elections.

Mr. Wade expressed his surprise that these things

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were not brought out by Carlile in committee. For the first time the Senate was being told that the Wheeling Convention did not represent the people of West Virginia.

Mr. Willey now offered as an amendment the bill introduced into the House by Mr. Brown, containing the original gradual emancipation clause and providing that no slaves should be brought into the state for permanent residence. Mr. Lane moved an amendment to the amendment that all slaves under ten years of age on the 4th day of July, 1863 should be free on reaching the age of twenty-one years, and all between the ages of ten and twenty-one should be free when they became twenty-five years old. Both amendments were accepted.[1] Senator Trumbull, who had consistently opposed the whole proposition, now recapitulated the case of the opposition. The general government had need of the present organization calling itself the government of Virginia, which state, if it was further reclaimed, would need the provisional government of Wheeling. Again, there was no getting away from the fact that a state was being admitted in which slavery would exist for several generations. The formation of a new state would be of no assistance to the loyal citizens of West Virginia, since their arms could not thereby be made more effective against the rebels. Internal war would not cease necessarily after the admission of

[1] *Congressional Globe*, 37th Congress, 2nd session, Part IV, p. 3316.
Carlile and Willey both voted in the negative.

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West Virginia to statehood. "When this war shall have subsided and we shall have a settlement of the controversies which are now pending, who can tell the embarrassments that will arise out of our having divided Virginia at this time? It will be too late then to put Virginia together again. The Constitution of the United States makes provision for dividing the state; it makes no provision for uniting two states into one." [1] Trumbull then moved that action on the bill be deferred until the first Monday in December. While the vote was being taken Carlile and Willey engaged in a wordy battle, the latter accusing his colleague of having betrayed the people of West Virginia. Mr. Wade came to Willey's assistance and made some illuminating statements regarding the part which Carlile had taken in framing the original bill.

"He, of all the men in the committee, is the man who penned these bills and drew them up. He is the man who has investigated all the precedents to see how far you could go in this direction. It was to his lucid mind that we were indebted for the fact that there were no legal or constitutional barriers in the way of this proposition. . . . He is the gentleman who impressed his opinions upon the committee as strongly as anybody else, and what change has come over the spirit of his dream I know not. His conversion is greater than that of St. Paul's. . . . Why did he persuade us that there was scarcely a dissenting vote in all that part of Virginia, if now he has discovered that he was wrong?"

[1] *Congressional Globe*, 37th Congress, Part IV, p. 3318.

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The speaker urged the passage of the bill at once, because there was no good reason why action should be deferred. Trumbull's motion to postpone was defeated; the bill was ordered to be engrossed for the third reading and was then passed by a vote of twenty-three to seventeen.[1]

In the House Mr. Brown stood sponsor for the West Virginia bill. On June 25, 1862, he introduced the bill, which was read a first and a second time and referred to the Committee on Territories. The committee made its report July 16th. Upon motion of Mr. Conkling, consideration was postponed until the second Tuesday in December.[2]

The West Virginia question possesses many interesting and surprising features. In reviewing the course of events one cannot but be struck by the fact that it was the unexpected which generally turned up. No one would have predicted in May, 1861, that John S. Carlile, the real leader in the reorganized government and the first man to propose the division of the state, would be branded as a Judas Iscariot in 1862. Likewise, no one expected to see Waitman T. Willey, known in the early part of 1861 as a pro-slavery man and thoroughly out of sympathy with the Wheeling gov-

[1] Those recorded in the negative are Trumbull, Chandler, McDougall, Sumner, Wilson, King, Cowan, Bayard, Saulsbury, Carlile, Powell, Davis, Wright, and Browning.

[2] Speeches of Mr. Whalley and Mr. Blair delivered at this time will be found in the *Globe*, 37th Congress, 2nd session, Part IV, p. 3269, and p. 327 of the Appendix.

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ernment, take up the burden thrown off by Carlile and battle with all his might for a cause toward which he had formerly exhibited entire indifference.[1] Carlile's most clever apologist could scarcely make out a good case for him, although he cannot be condemned solely on the ground that he changed his opinion. Much had occurred in the year following the May convention. Careful and impartial observers of the situation knew that men with strong Union principles were hard to find in any place in the state. Enlistments in the Union army were provokingly slow and it was only through the assistance of men from Ohio and Pennsylvania that the state was able to furnish anything like her quota of troops.[2] All newspaper correspondents testified to the unmistakable hostility of the western Virginians and some advised that the section be left to shift for itself.[3] It has been stated that in no election was there more than a small minority of votes cast. The feeling became general that this was a bad augury for

[1] In the fall of 1861 Mr. Willey had openly expressed his doubt as to the constitutionality of any bill designed to form a new state in Virginia. His support of the project was so lukewarm that he was openly accused of working against it.—Wheeling *Intelligencer,* Oct. 14, 1861.

[2] Mr. M. Dent of Morgantown declared that he had been told by Colonel Evans of the 7th Virginia regiment that there were not over 1,000 Virginians in the whole Union army.

The Wheeling *Intelligencer,* on Sept. 6, 1861, printed a letter signed "Western Virginian," asserting that most of the men protecting West Virginia were from Ohio and Indiana. "Of the tens of thousands of able-bodied young and middle-aged men, how many have responded to the call?"

[3] The Cincinnati papers were especially severe upon West Virginia, probably because they were in such close touch with the situation and saw so clearly that the people had no desire to take part in the struggle.

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the new government. As time went on and new matters presented themselves for consideration by the electorate, the apathy became dense. In special elections the returns invariably showed that the voters were deliberately staying away from the polls. The greatest number of votes cast was in the election for state officers which occurred May 23, 1862, when 14,824 persons were reported to have taken part in the election.[1] Mass meetings held for the purpose of nominating delegates to the various conventions were attended so poorly that in many instances they adjourned without taking any action.[2]

If Carlile had been influenced by his observation of these facts, and had honestly come to believe that there was no demand for the division of the state outside of a small group of interested men, his action opposing the West Virginia bill might be defended. But the underhand methods to which he resorted in order to defeat the plan cannot be justified. He deliberately chose to pursue a tortuous policy: posed as a friend of the new state while covertly doing his best to check the movement by veiled insinuations. The Wheeling authorities were amazed at Carlile's transformation. He had been counted on to put the measure through Congress, as Willey was known to be only lukewarm in his advocacy of the plan. When the first bill was reported in the Senate and it became evident that Carlile

[1] Wheeling *Intelligencer*, May 24, 1862. Braxton cast forty-one votes; Clay, twenty-seven; Roane, seventy-nine; Randolph, seventy-eight, etc.

[2] This was true even in Ohio County.

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had betrayed the state, the indignation of the Wheeling leaders knew no bounds. The "General Assembly"[1] passed a resolution denouncing in the severest terms Carlile's traitorous actions and calling upon him to resign his seat in the Senate. He was accused further of having opposed measures designed to preserve the Union and to suppress the rebellion.[2] Northern newspapers spared no epithets in describing Carlile's conduct. His "sudden somersault" was explained, said one, by the fact that he had been associating with the Vallandinghammers.[3] In the summer of 1862 Willey made an exposé of the methods Carlile had used to defeat the West Virginia bill.[4] As a member of the Committee on Territories, Carlile had succeeded in preventing a report being made until nearly the end of the session. At that time Mr. Willey went to Mr. Wade, the chairman, and asked him how such a bill had ever come out of the committee. The latter replied that Carlile had assumed charge of the whole affair and the other members, not being familiar with the situation, had been content to allow the one informed person to make up his own bill. Upon this, said Mr. Willey, a meeting of the West Virginia representatives, together with Pierpoint, Porter, and others, was held and it was agreed

[1] This body was composed of thirty members. Governor Pierpoint in his message made a general attack upon slavery with the result that the Assembly refused to have the message printed.

[2] Carlile had joined the border-state Senators in opposing Lincoln's policies. He pronounced the confiscation bill unconstitutional; opposed the bill drafting volunteers, etc.

[3] Cincinnati *Times*, Feb. 8, 1862.

[4] Morgantown *Star*, July 29, 1862.

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that they should oppose any bill which aimed at taking in the Valley counties. The fact stood out as clear as the light of day that Carlile was alone responsible for whatever check the new-state bill had received.

There the matter has rested. The present generation of West Virginians know little of Carlile. If they have heard of him at all, it is as the man who almost succeeded in preventing their state from being formed when he was expected to play the most prominent part in having it made one of the states of the Union.

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CHAPTER XIX

WEST VIRGINIA THE THIRTY-SIXTH STATE IN THE UNION

Congress adjourned July 17, 1862. The debates in the Senate on the West Virginia question had aroused much interest in the subject throughout the North. The press and people were divided along partisan lines, the anti-administration papers lining up solidly against the bill. A New York financial paper detected a disposition on the part of Congress to legislate from impulse rather than from a deep conviction founded upon close study. "If members of Congress examine their own hearts, can they not detect a lurking desire to punish the Old Dominion for her infidelity by stripping her of those outlying possessions which she abandoned to neglect? . . . We would be loth to see the principle established that because the constituted authorities of a state may have acted criminally, therefore the state itself may be cut into shreds and patches." [1] Abolition papers agreed with Senator Sumner that West Virginia was desirable only as a free state.[2] If slavery had such an extraordinary hold upon the people that they would not consent to its abolition, then the North would be

[1] The *Commercial Advertiser*, July 20, 1862.
[2] *National Republican*, Aug. 2, 1862.

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justified in rejecting their petition, especially as the legality of the procedure was questionable.[1] Some were unable to see any good at all that could be brought about by the admission of West Virginia, even with an abolition constitution.[2]

As a rule, however, newspapers throughout the North were favorable to the West Virginia bill. Many of them had opposed the measure in 1861, but had changed their tone and now gave it hearty support.[3] It was the general feeling that the hands of the Federal Government should be strengthened as much as possible, and the rather vague idea prevailed that the Union cause would be aided if West Virginia was admitted. Constitutional objections were now lost sight of in the greater question of expediency.[4] The New York *World* declared that the people of West Virginia deserved some reward for their heroic defense of the Union. The *Tribune* was in favor of admission, even though the constitution of the new state was silent on the slavery question, while the *Post* made its support of the bill contingent upon the passage of a gradual emancipation clause. The *Times* was inclined to be non-committal, but feared that innocent holders of Virginia bonds would suffer if the state were divided. The Washington *Chronicle* ex-

[1] Pittsburgh *Gazette*, Aug. 22nd.
[2] The *Anti-Slavery Standard*, Aug. 10th.
[3] This was especially true of the papers of New York City.
[4] The Philadelphia *Press* at first warned the people of West Virginia that Congress would not recognize secession by listening to their petitions for admission. In June, 1862, this journal had come around to the other side and now declared that it could not see a single objection to the act of admission.

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pressed its inability to perceive any good reason why Congress should refuse admission. The whole question simply was whether Congress would recognize and protect a certain loyal community which needed its protection. The Cincinnati *Commercial* agreed with this, and added that no attention should be paid to those who held out for immediate emancipation. The Utica *Herald* said: "The consent of the legislature of eastern Virginia has not been secured, but they are traitors and their consent may be dispensed with. The consent of the people of the east, however, is vitally necessary. Many of them are loyalists and it is not just to cut up the state while they are tied hand and foot to the rebellion."

The New York *Tribune* took upon itself the difficult task of showing why the admission of West Virginia was constitutional. There were two rival hypotheses: first, that which regarded the insurgent states as having committed suicide by their treason and being now merely Federal territory subject to reorganization and readmission; second, that which regarded the states as still existing in the persons and acts of the loyal citizens. The Democrats in the North held the second view, but now that the administration was acting in accordance with it they changed their opinion. The West Virginia which forms the new state, said the *Tribune*, was totally distinct from the old Virginia that assented to it, though it happened that most of the members of the legislature were chosen from the counties which formed the new state of West Virginia. The

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National Intelligencer took the opposite view and claimed that the act of admission would be a violation both of the United States Constitution and the state constitution. It would have to be consummated on the assumption that the secession of Virginia was an accomplished fact, so far as it regarded that portion of the state which was in rebellion against the Federal Government. The Wheeling *Intelligencer* criticized its northern contemporaries for not familiarizing themselves with the local situation. One half did not know that the question of separation was submitted to all the people of Virginia, and about the same proportion were under the impression that the legislature which gave its consent to the formation of the new state did not represent the whole state of Virginia. The *Intelligencer* far overshot the mark in its zeal for the new state. For it to assert that the people of Virginia approved the division of the new state was a palpable falsehood, the chief effect of which was to mislead outside observers of the situation.

Tuesday, December 9, 1862, the House of Representatives took up the consideration of the Senate bill providing for the admission of West Virginia into the Union. Mr. Conway of Kansas made the first speech in opposition, urging that while West Virginia deserved all the good fortune that could come to it, its admission involved too many moot questions of constitutionality. All depended upon the consent of the Virginia legis-

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lature, and while a liberal construction of the United States Constitution was necessary sometimes, it was not possible to stretch that document far enough to cover the case before them. The Pierpoint government was put in operation without any legal sanction other than its recognition by the President and the Senate. This was not binding upon the House. The Wheeling government assumed authority on the ground that the treason of the regular state officials left vacancies. These they had filled. All this was unsatisfactory, said Mr. Conway, because a state could commit no treason and because the Pierpoint clique had no right to arrogate to themselves the vacant offices. The real importance of the situation lay in the fact that the Federal authorities might soon be called upon to take some action in eleven states whose position was like that of Virginia. A policy designed to put all the authority of a state in the hands of a few individuals calling themselves the loyal citizens of the state was a wrong one. Its effect would be to consolidate all the powers of the government in the hands of the Executive. If the West Virginia bill passed, four Senators would be created and the President could be sure of the electoral votes of Virginia and West Virginia. Thus he could build up a political machine of unparalleled strength. As for the constitutional points at issue, Virginia was either out of the Union and to be regarded as a foreign state, or else she was still a member of the Union and to be respected as such. The latter view now prevailed. A state could not commit treason, since treason was a

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crime and only individuals could commit crimes. If the whole personnel of the state abandon its functions, it becomes United States territory subject only to Federal authority. The regularly elected officers of Virginia had vacated their positions by virtue of their treason, but no man or set of men could legally take up these offices without being chosen according to law.[1]

Mr. Brown, one of the authors of the bill, assailed vigorously Conway's arguments. He defended the legitimacy of the Wheeling government, but touched lightly upon the constitutional principles involved. Not only had the President and the Senate recognized the Wheeling government, but the Attorney General of the United States had made a formal decision declaring that the Wheeling authorities had lawfully assumed the power surrendered by Letcher and the other eastern Virginia officials.[2] Since the legislative powers of the people could not be annihilated, the treason of the Richmond conspirators had simply caused such powers to revert back to the people. The Wheeling conventions were organized upon the principle that the people could assume their original rights when it be-

[1] *Congressional Globe,* 37th Congress, 3rd session, Part I, pp. 37-8.

[2] The case referred to was one involving the question of the distribution from the sale of public lands. Virginia had previously refused to accept her share. The Wheeling government, being in sore need of money, applied to the Federal authorities for the $40,000 due the state. The matter was referred to Attorney General Bates, who decided that the loyal legislature of Virginia had the right to make such a request. The money was turned over to the Wheeling government.—"Laws of West Virginia," Acts of the General Assembly; Joint Res. No. 2.

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came necessary to do so. The legislature which gave its consent to the division of the state was composed of the only loyal representatives of the state. The counties included in the bill contained about 24,000 square miles and had a population of nearly 330,000. Virginia had never been a united state and never could be, because of geographical reasons. The hatred between the sections had been greatly intensified by the war. At the time the first Wheeling convention was in session Southern troops were only fifty or sixty miles away, marching with all possible speed to disperse the gathering.[1] The proposed new state had raised sixteen regiments for the Union army, more than her quota. In his own county, said Mr. Brown, nearly every fighting man was in the army.[2]

It was fortunate for West Virginia that its fate did not depend upon the efforts of its representatives in the House. The case was weak enough to begin with, but the crude attempts of Mr. Brown and his colleagues to justify their position would have been laughable had the Representatives really understood the situation.

Opposition in the House was more determined than it had been in the Senate, in spite of the fact that the measure was free from the slavery features of the first bill. The case for the new state was best brought out

[1] Where Mr. Brown got his authority for this statement we do not know. No organized body of Confederates ever approached nearer to Wheeling than Grafton, 100 miles away, and their number was too small to contemplate a march on Wheeling.

[2] Kanawha was one of the strongest Secessionist counties in the state, so Brown's reference must have been to the Southern army.

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by Mr. Colfax, of Indiana, whose reasons for supporting the act were the most logical that could have been given: First, the Wheeling government had been recognized by the President,[1] by the Senate,[2] by the Secretary of the Treasury,[3] by the Secretary of War,[4] by the Secretary of the Interior,[5] and by the House of Representatives;[6] secondly, the expediency of the act was beyond question; thirdly, the bill was drawn up to include the erection of a state out of loyal counties only.

Mr. Olin, of New York, declared his intention of voting for the bill, but would do so mainly because the Executive Department had given the West Virginians reason to believe that their requests would meet with the approval of all departments of the government. "But," said he, "I confess I do not fully understand upon what principles of constitutional law this measure can be justified. It cannot be done, I fear, at all. It can be justified only as a measure of policy and of necessity." The speaker ridiculed the idea that either the spirit or the letter of the law had been complied with. Mr. Crittenden of Kentucky was even more impressed by the constitutional obstacles in the way of the division of Virginia at that time. All knew that

[1] In dealing directly with the Wheeling authorities.
[2] By admitting Carlile and Willey.
[3] By paying over the $40,000 due Virginia from the sale of public lands.
[4] By communicating with Pierpoint as the Governor of Virginia.
[5] By recognizing Pierpoint.
[6] By admitting Mr. Segar, who was elected under a proclamation issued by Pierpoint. Segar had presented himself a second time for admission and had been accepted. See pp. 278-84.

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Virginia was in a state of rebellion, but was still a member of the Union. When she was fully restored to her original position, her first demand would be that the sections so illegally taken from her should be given back. She would say: "I gave no consent, and there is the Constitution which says that without my consent you shall not do what you have done, and now you cannot deprive me of my rights by any such unconstitutional course of procedure." No one really believed that the government at Wheeling was the government of Virginia. This might be inferred from the fact that the body which drew up the petition for admission was the same body which gave its consent as the Virginia legislature. "*It is the party applying for admission consenting to the admission.*"

Mr. Dawes, of Massachusetts, exhibited not merely a knowledge of the legal questions involved, but also a most disconcerting familiarity with some of the points not enlarged upon by the friends of the new state. He showed that the first Wheeling convention was deterred from taking steps toward separation from Virginia only by the suggestion of some unknown persons in Washington, that the act could better be accomplished by first setting up a reorganized government.[1] The speaker stated most emphatically that no person residing in any portion of the state but the part contemplating separation had given his consent to the act.

[1] The western Virginia Representatives in Congress had always claimed that the only purpose for which this convention was called was the reëstablishment of the government of Virginia.

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Two or three representatives had been "picked up" in various counties of the east, but they did not claim to represent their counties officially. "It is trifling with the spirit of the constitution to say that any portion of the state of Virginia which is left has consented in any way, in any form and substance to the dismemberment of the state." As for the invitation sent out to all the counties to join in the movement, it was like commanding a man bound hand and foot in prison to come forth.

Mr. Stevens, of Pennsylvania, said he would vote for the bill, while knowing it to be unconstitutional. No provision could be found to justify it on constitutional grounds. It was mockery to say that the Virginia legislature had ever consented to the division of the state. The body which met in Richmond was still the legislature of Virginia, although disloyal and traitorous. The state as a state was bound by its act, but not the individuals who were responsible to the general government. "I say then that we may admit West Virginia as a new state, not by virtue of any provision of the Constitution but under our absolute power which the *laws of war* give us. I shall vote for this bill upon that theory and upon that alone, for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding."

Mr. Noell, of Missouri, who also announced his intention of voting for the bill while doubting its constitutionality, asserted that they were living in revolutionary times, when they could not afford to split hairs

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on technical questions. Mr. Segar undertook to show that the bill should not be passed even if it was constitutional. The new-state proposition did not derive its power from the people of Virginia, not even from the people of the section of the state directly concerned. The consent of the West Virginians had never been obtained. There were 55,400 people in the eleven southern counties who had never indicated their desire to join in the movement, and 27,509 citizens of three other counties had had practically no representation at any of the Wheeling meetings. Ten counties with a population of 50,000 did not cast a vote either on the question of dividing the state or on the new constitution. Three counties at least—Greenbrier, Mercer, and Monroe—were connected with eastern Virginia by every possible tie. It was wrong to force the people of these counties to transfer their allegiance to a government in which they had no interest and in whose formation they had no part. The passage of the bill, finally, would turn adrift the reclaimed portions of Virginia not included in the new state and would render more difficult the reconstruction of Virginia.

Mr. Bingham, of Ohio, as the chief supporter of the bill closed the debate with a long speech in which he attempted to answer every objection that had been raised. To the theory that West Virginia was a territory and could not be admitted because there had been no enabling act passed by Congress, he replied that such an act had not been necessary when Michigan was admitted and was not necessary now. The neglect

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or the refusal of a majority of the qualified voters to go to the polls had no effect upon the election. While it was undoubtedly true that the majority in any state constituted the state, yet this majority must be composed of loyal citizens. The loyal minority of Virginia were the state and had the right to administer the laws and maintain the state government. Those members of the Virginia Assembly who subscribed to the act of secession thereby disqualified themselves from serving as Senators or Representatives. Only those who took the oath to support the Constitution of the United States were ever members of any legislature of any state in the United States.

The remainder of Mr. Bingham's address was a summary of the ground already covered by previous speakers on the same side. His closing words are significant. Referring to the emancipation policy of the President, he urged that the final recognition of the Wheeling government would give an impetus to anti-slavery:

"Declare that the legislature of the state and then upon that hypothesis admit the state; and of course once admitted its own legislative assembly will be beyond question; and when the new legislature under the new state of Virginia shall accept the President's proposition . . . all doubters about the constitutionality of the act will be silent; and, whether silent or not, *there will stand the record of the majority of this House to give validity to their act and from which there can be no appeal.*" [1]

[1] *Congressional Globe*, 37th Congress, 4th session, Part I, p. 59.

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On December 10, 1862, the bill was passed by a strictly party vote of ninety-six to fifty-five.[1] The final responsibility was now thrown upon President Lincoln, whose sympathies were well known to be with the new state. He realized, nevertheless, that grave constitutional questions were involved, and that a precedent might be established which was calculated at some future time to embarrass the Government. So an expedient was decided upon which was intended to show that his mind was open to conviction. On December 23 he addressed a letter to the Cabinet which ran as follows: "A bill for an act entitled 'An Act for the Admission of the State of West Virginia into the Union and for other purposes' has passed the House of Representatives and the Senate and has been duly presented to me for my action. I respectfully ask of each of you an opinion in writing on the following questions, to-wit: First, Is the said act constitutional? Second, Is the said act expedient?" [2]

Six of the Cabinet members replied to Lincoln's request [3] and their opinions were equally divided. Seward, Chase, and Stanton answered both questions in the affirmative, while Welles, Blair, and Bates replied in

[1] Gideon Welles makes the following comment in his diary: "The House has voted to create and admit western Virginia as a state. This is not the time to divide the old Commonwealth. The requirements of the Constitution are not complied with, as they in good faith should be, by Virginia, by the proposed new state, or by the United States," p. 188.

[2] Nicolay and Hay, "Abraham Lincoln," Vol. VI, p. 300.

[3] Caleb B. Smith, Secretary of the Interior, had just retired from the Cabinet and his successor had not yet been appointed.

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the negative. Attorney General Bates declared that the measure was both unconstitutional and inexpedient. Congress could admit new states but could not form new states. A free American state could be made only by its component members—the people. The state must exist as a separate independent body before admission. In the case of West Virginia the legislature of the whole state had not given its consent as required by the Constitution and furthermore the consent of both legislatures was necessary. No one claimed that there was any legislature of West Virginia to give its consent. The reorganized government owed its origin to necessity, not to law, and was clearly a revolutionary proceeding justified by the exigencies of the situation. It was a provisional government, whose object was not to divide but to restore the state. Coming to the more practical side of the question, Mr. Bates asserted that the restored government never represented more than one fourth of the people of Virginia. The act of consent was less in the nature of a law than of a contract. It was a grant of power, an agreement to be divided. In the present instance the representatives of the counties included in the bill made an agreement with themselves. "Is that fair dealing?" asked Mr. Bates. "Is that honest legislation? Is that a legitimate exercise of a constitutional power by the legislature of Virginia? It seems to me . . . that that is nothing less than attempted secession, hardly covered under the flimsy forms of law." [1]

[1] Opinions of Attorney Generals of the United States," Vol. 10,

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Mr. Seward upheld the constitutionality of the act on the ground that the United States does not recognize secession and since Virginia must be deemed as existing in the Union, the loyal portion must be the government of Virginia. "If the United States allow to that organization any of these rights, powers, and privileges it must be allowed to possess and enjoy them all. If it be a state competent to be represented in Congress and bound to pay taxes, it is a state competent to give the required consent of the state to the formation and erection of the new state of West Virginia within the jurisdiction of Virginia." The act was expedient, said Mr. Seward, first, because it would serve to give the people of West Virginia better protection, and, second, because the United States Government would derive much benefit thereby.[1]

Mr. Chase, Secretary of the Treasury, agreed with Seward in every particular. Mr. Stanton dismissed the whole question with a few words. He could not perceive that the act was in conflict with the Constitution of the United States, and the admission of the new state would establish a new boundary between the free and the slave states. Mr. Welles argued that the new organization in Virginia lacked all the symbols of a state—records, traditions, capitol, etc. It did not assume any of the debts and liabilities of the old state and acted in all respects like a mere provisional govern-

p. 426. The fact that Mr. Bates was a native of Virginia may have been responsible for his feeling on the subject.

[1] Nicolay and Hay, "Abraham Lincoln," Vol. VI, p. 301.

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ment. Now it proposed to detach itself from the eastern section, something which could not be done in a regular, legal manner conformable to the letter and spirit of the Constitution. Even though the act had been constitutional it would be inexpedient at such a period of civil commotion. Postmaster General Blair, in recording himself as opposed to the bill, stressed the point that the actual consent of the old state had never been given. Moreover, it was injurious to cut off the loyal people of Virginia in the counties not included in the Act, especially as their number far exceeded the 20,000 West Virginians who had consented to the separation.[1]

President Lincoln read these opinions carefully before attaching his signature to the bill. His reasons for signing the Act were given as follows:

"The consent of the legislature of Virginia is constitutionally necessary to the bill for the admission of West Virginia becoming a law. A body claiming to be such legislature has given its consent. We cannot well deny that it is such, unless we do so upon the outside knowledge that the body was chosen at elections in which a majority of the qualified voters of Virginia did not participate. But it is a universal practice . . . to give no legal consideration whatever to those who do not choose to vote, as against the effect of the votes of those who do choose to vote. Hence it is not the qualified voters, but the qualified voters who choose to vote, that constitute the political power of the state. Much less than to non-voters should any consideration

[1] Nicolay and Hay, "Abraham Lincoln," Vol. VI, p. 301.

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be given to those who did not vote in this case, because it is also matter of outside knowledge that they were not merely neglectful of their rights under and duty to this government, but were also engaged in open rebellion against it. Doubtless among these non-voters were some Union men whose voices were smothered by the more numerous Secessionists; but we know too little of their number to assign them any appreciable value. Can this government stand if it indulges constitutional constructions by which men in open rebellion against it are to be accounted, man for man, the equals of those who maintain their loyalty to it? Are they to be accounted even better citizens and more worthy of consideration than those who neglect to vote? If so, their treason against the Constitution enhances their constitutional value. Without braving these absurd conclusions, we cannot deny that the body which consents to the admission of West Virginia is the legislature of Virginia. I do not think the plural form of the words 'legislatures' and 'states' in the phrase of the Constitution 'without the consent of the legislatures of the states concerned,' etc., has any reference to the new state concerned. That plural form sprang from the contemplation of two or more old states contributing to form a new one. The idea that the new state was in danger of being admitted without its own consent was not provided for because it was not thought of, as I conceive. . . . But is the admission into the Union of West Virginia expedient? . . . More than on anything else, it depends on whether the admission or rejection of the new state would, under all circumstances, tend the more strongly to the restoration of the national authority throughout the Union. That which helps most in this direction is the most expedient at this time. Doubtless those in remaining Virginia would

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return to the Union, so to speak, less reluctantly without the division of the old state than with it, but I think we could not save as much in this quarter by rejecting the new state, as we should lose by it in West Virginia. We can scarcely dispense with the aid of West Virginia in this trouble; much less can we afford to have her against us, in Congress and in the field. Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials. We have so acted as to justify their hopes and we cannot fully retain their confidence and coöperation if we seem to break faith with them. In fact, they could not do so much for us, if they would. Again, the admission of the new state turns that much slave soil to free, and thus is a certain and irrevocable encroachment upon the cause of the rebellion. The division of a state is dreaded as a precedent. But a measure made expedient by a war is no precedent for times of peace. It is said that the admission of West Virginia is secession and tolerated only because it is our secession. Well, if we call it by that name, there is still difference enough between secession against the Constitution and secession in favor of the Constitution. I believe the admission of West Virginia into the Union is expedient." [1]

After the President's signature had been attached to the West Virginia bill there yet remained one step to be taken before a proclamation could be issued declaring the new state formally admitted into the Union. The people must first ratify the gradual emancipation clause; and while it was a foregone conclusion that such would be done a considerable spirit of opposition

[1] Nicolay and Hay, "Abraham Lincoln," Vol. VI, pp. 309-11.

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developed among those who professed to fear negro domination. January 14th, 1863, the Schedule Commissioners recalled the constitutional convention and issued a proclamation ordering elections in five counties not heretofore represented.[1] In obedience to this call the convention reassembled in Wheeling February the 12th, 1863, with fifty-four members present representing forty-four of the forty-eight counties.[2] A committee known to be favorable to emancipation was appointed to consider the insertion of the necessary clause in the constitution.[3] February 17th an election ordinance was passed submitting the revised constitution to the people of the state. The act provided that the names of the voters should be permanently enrolled in the registration book according to their votes for or against the constitution.[4]

March 26th the constitution as amended was ratified by a vote of 18,862 to 514; a copy was sent to President Lincoln and on April the 19th he issued a proclamation declaring the admission of West Virginia completed to take effect sixty days from that time.

June the 20th, 1863, West Virginia formally took her place in the Union as the thirty-fifth state and Virginia, the mother of states and of statesmen, had been dispossessed of one-third her territory.

[1] Rending of Virginia, page 499.
[2] Wheeling *Intelligencer*, Oct. 13, 1863.
[3] Messrs. Van Winkle, Willey, Brown, Lamb and Parker composed the Committee.
[4] Wheeling *Intelligencer*, Feb. 18, 1863.

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